

EXTENSIONS OF REMARKS

THE COMPETITIVE CONSUMER ELECTRONICS AVAILABILITY ACT OF 1995

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. BLILEY. Mr. Speaker, I am pleased to introduce the Competitive Consumer Electronics Availability Act of 1995. This legislation would require the Federal Communications Commission to take affirmative steps to promote competition in set-top boxes and other new technologies that will give consumers access to the national information infrastructure [NII]. Pursuant to this legislation, Commission regulations will assure that converter boxes, interactive communications devices, and other customer premises equipment be available on a competitive basis from manufacturers, retailers, and other vendors who are not affiliated with the operators of telecommunications systems, as is the case in our telephone system today.

It is fashionable to talk about telecommunications reform in terms of opening interfaces between networks or modes of communication. But the one area that ought to be a priority is the consumer interface—how our constituents will actually be connected to these new networks. So far we have two models—the telephone system, where there is a free and competitive market in making and selling network access devices to consumers; and cable television, where the consumer has enjoyed little choice or selection in devices. The Competitive Consumer Electronics Availability Act seeks to ensure that we follow the competitive market model rather than the monopoly model.

I want to be clear that this legislation does not address the internal operating systems or functions of set-top boxes or other devices. I have no intention of inviting or allowing the Commission to regulate the competitive features of computers. What the legislation does address is simply the question of access—allowing these devices, however they operate or are configured, whether they are separate or built into TV's or personal computers, to connect to the NII. A consumer should be able to choose one the same way he or she chooses other products, by going to the store, comparing the quality, features, and price, and buying or renting the best one.

The legislation does not specify any one means or technology by which the Commission must move from local monopoly to national competition. Finding the best way is what the Commission's public notice and comment process is for. With the aid of the world's most competitive telecommunications and computer industries, and a huge market begging for innovation, the Commission can rely on the private sector to identify the best answers.

I also want to stress that this legislation would not stop a system operator from continuing to offer access devices, so long as the

charges for devices are kept separate from the charges for its system services. The Commission would also be empowered to grant waivers, for a limited time, to system operators who are introducing new services.

In introducing and working for the passage of this legislation, I do not mean to disregard the very reasonable concerns of system operators, such as cable TV companies, to deliver to each consumer only the level of service that has been purchased, and to protect the security of their systems. But this is 1995, not 1965. I cannot accept the notion that to accommodate these concerns it is necessary to convey a monopoly on any consumer electronics devices, any more than previous Congresses and Commissions should have accepted the notion that our telephone system would fall apart if consumers would hook up their own devices.

Mr. Speaker, the American public wants and deserves to play a direct role in forming a national information infrastructure. One need only look at the enormous and growing participation and influence of individuals in the Internet to see this. It would be foolish and shortsighted not to allow consumers to select or own the very devices that will open up so much of the NII to them. Consumers deserve to be able to evaluate and select competing products at retail, side by side. Their freedom to do so is a core strength of our economy.

Mr. Speaker, I believe we will have telecommunications reform this year, and I will work to achieve this goal. But we cannot fail to address the most important interface, the consumer interface. I, therefore, ask my colleagues to join me in supporting the Competitive Consumer Electronics Availability Act of 1995.

HONORING JESSE SAPOLU

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize Mr. Jesse Sapolu an accomplished individual who has devoted much of his private life to working with the youth of his community. Jesse also is a National Football League all-pro lineman for the 1994-95 world champion San Francisco 49ers football team.

Following his 1979 graduation from Harrington High School in Hawaii, Jesse attended the University of Hawaii where his football career was marked by many outstanding accomplishments both on and off the field. In 1983, Jesse was drafted by the 49ers. Over the past 13 seasons, Jesse has been a consistent performer and contributor to the San Francisco 49ers dominance of professional football. He has been an integral part of the 49ers four Super Bowl victories and for his excellence on the field of play he has been rewarded by his selection as an all-pro center in 1993 and guard in 1994.

Jesse is an ideal role model for the Pacific Islander community. Much of his off-season time is dedicated to working with youth. He is a junior youth leader at the Dominguez Congregational Church and a valuable ally in the antidrug campaign, as an ardent supporter of the just say no to drugs effort.

Mr. Speaker, it is with pride that I rise to recognize the accomplishments of Jesse Sapolu and I ask my colleagues to join me in saluting him.

A HISTORIC PARTNERSHIP

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MANTON. Mr. Speaker, I rise today to share with my colleagues some remarks recently delivered by the Honorable Raymond L. Flynn, the U.S. Ambassador to the Vatican.

In his statement, the Ambassador reflects on the United States moral obligation to help end suffering of our fellow men. I agree that this ethical consideration, to help where we can, and lead by example, should be the cornerstone of our Nation's foreign policy. As my colleagues are no doubt aware, the Holy See has demonstrated great leadership in the fight for freedom from all types of oppression. I commend his speech, "the United States and the Holy See: A Historic Partnership" to my colleagues' attention.

THE UNITED STATES AND THE HOLY SEE: A HISTORIC PARTNERSHIP . . . FROM THE POTOMAC TO THE TIBER

Delivering humanitarian assistance to the Third World: the Necessity to act

The United States and the Vatican are developing an important partnership, one based on common interest, cooperation and coordination. This partnership has the capability to become a prominent feature of the post cold-war world where the ability to achieve results in the international arena may be based as much on moral concerns as on military and economic alliances.

Many are not aware of the relationship between the U.S. and the Vatican, so let me review some of the highlights of our productive relationship over the past 11 years of official diplomatic relations. First I would like to discuss a crucial issue for U.S. foreign policy: the moral commitment we have as a nation to help those most in need.

We hear outrageous statements in Congress about the trillions of dollars of foreign aid being tossed down Third World ratholes. There is a major debate in Washington today about whether to cut the foreign aid that goes to feed the hungry and clothe the naked in some of the poorest places in the world. What many Americans do not realize is that we spend less than one half of one percent of the federal budget on foreign aid and even less on the part of foreign aid that goes toward humanitarian assistance. That is not too much. If anything, it's too little.

Foreign aid to help poor and developing countries is not only morally correct but makes sound U.S. policy. A small amount of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

money goes a long way and can mean the difference between life and death. American interests are better served when countries and regions are stable. The U.S. throughout its history has often been isolationist when it has come to getting involved in the world's problems. But if we don't, we will be dealing with famine, disease and possible military intervention later on. I don't need to remind you of the problems the U.S. has encountered in its temporary, fitful withdrawals from the world community throughout its history.

Like it or not, there is a moral dimension to foreign policy. Children dying of malnutrition and disease are moral concerns of the U.S. We can't and shouldn't ignore this.

When President Clinton nominated me to be the U.S. Ambassador to the Holy See two years ago, the President told me he wanted me to work closely with the Catholic Church on issues of social and economic justice. As part of this role, I have traveled widely to visit some of the most desperate places on earth both to highlight the problems in as well as consult with Catholic charities and other humanitarian aid organizations on how well aid was being delivered to these areas. Over the past many months, I have been to India, Sudan, Haiti, Somalia, Kenya, Uganda, Croatia, Sarajevo, Burundi, and Rwanda and have seen for myself humanitarian crises occurring in these countries. I have also seen, though, the fine work of the Catholic and other charities in the places I have visited, including that of Catholic Relief Services, Caritas, Doctors Without Borders, and many other groups across the religious and social spectrum.

The world's media are interested in these places for a few weeks or months. But then a new story comes along and the continuing crisis becomes yesterday's news. The television cameras leave and people still starve. We need a way to keep the world's attention focused on these troubled places, but we also need to read about the great successes that are achieved by these humanitarian organizations or donor fatigue will set in. To read the paper these days is to read of failures—in Somalia, Rwanda, Sudan. It's partly true but does not touch on the successes: the work of aid organizations to keep people alive.

The African example: The forgotten continent

Involvement by the U.S. in Africa during the past two years has in the public's eye, centered largely on Somalia. There has been a lot of talk recently in the press and among politicians about the "failure of our mission in Somalia." I was in Somalia while operation "Restore Hope" was underway and saw what it made possible for relief workers of many nations to do under the protection of U.S. and UN troops. The peace they brought to Baidoa had dramatic humanitarian consequences. Baidoa as called the "City of death", where thousands had died of starvation and hundreds of thousands more were expected to die in the near future. You remember the pictures on CNN during December 1992. And Baidoa was not unique. The famine caused by the ravages of the warlords prevented crops from being planted and food being distributed. Without operation "Restore Hope" millions would have died.

A lot of people are saying that it is the responsibility of Somalis to put their own country in order, and that no peace can be imposed from outside. I agree completely. Nor do I think it constructive to discuss how we might have conducted "Restore Hope" differently.

The moral question we need to face, and face squarely, is "Was Operation Restore Hope the right thing to do? On one hand, we have a 26-month operation that cost the UN

over \$1.7 billion and the lives of 132 peacekeepers, some American but most Pakistani. On the other hand, we have to consider what might have been the consequences of our non-action: possibly a million or more people dead of starvation. Can and should the U.S.—the only superpower with the wherewithal to stop a famine in Somalia—risk U.S. lives and resources to stop widespread death? We chose not to do so in Rwanda. We have chosen not to do so in Liberia and Sierra Leone.

It comes down to a moral question: what is the greater good? I think that America—the only super power—has the duty to act, and I think it is in our interest to do so. We are not truly ourselves unless we act to save innocent lives.

There's still a crisis in Africa . . .

Starvation is again looming over the African continent. Recent reports indicate that the coming famine could be worse than those experienced over the past few years, when aid donors often—because of ignorance of what was happening—responded too late to the crises. The international humanitarian group CARE estimates that almost 30 million people are at risk in the Horn of Africa alone. Many organizations are working now to battle "compassion fatigue" among the rich donor countries. One way we should be able to fight this is through coordination between the U.S. government, private charities, and the Catholic Church. We need to keep the response to a possible African famine focused and organized and convince the international community of this critical effort.

As one who has visited most of the countries in Africa which are faced with famine, I want to sound a strong warning bell to the international community that chaos, devastation, and death are at their door. Will it be on our conscience?

U.S.-Vatican partnership

At this point, you might fairly ask, what is the U.S. Ambassador to the Vatican doing speaking out on these things? Part of the answer is that humanitarian issues have always been in the forefront of my work throughout my public life. I'll never forget my parents, a dockworker and a cleaning lady, response when I asked them why they put money in the Church poor box every week despite our modest means, "we're not as poor as some people," they said, "we have our health and a roof over our heads." We all need to remember that there are many people, particularly in the Third World, that are desperate for the basic necessities to live and we cannot abandon them. My position at the Vatican and my instructions from President Clinton to focus on humanitarian issues during my tenure here have led to a natural partnership with the Vatican on developing better ways to deliver aid. From my unique position as the U.S. Ambassador to the Holy See I have looked around me to see what contribution this Embassy could make to helping those in the most distressed places in the world. By combining the resources of the world's remaining superpower—the U.S.—with the force of the world's moral superpower—the Holy See—we will be able to contribute to getting aid to where it is needed most because of the complementary resources of the U.S. government, the Catholic Church, and their respective aid organizations. The goal is not original, but the way to achieve it is. The U.S. and the Catholic Church, through its various charities, already coordinate on an informal level in many humanitarian assistance projects. This initiative does not exclude anyone or any group. In fact, Administration officials will reach out to many private charities over the next few months to solicit their ideas and

support. My charge from the President, however, is to pursue cooperation with the Catholic Church because of my position at the Holy See, which is why I limit my discussion here to that topic.

I have already discussed the conscientious efforts of U.S. humanitarian assistance missions to deliver needed food, medicine and supplies around the world. But I have also seen the problems with aid deliveries on my visits to the Third World. For example, on my Presidential mission to India in October, 1993, to lead the U.S. relief effort following the devastating earthquakes there, I observed a disturbing problem with the organization of the aid delivery: no one brought emergency housing provisions or some key medical supplies for children. International donors sent food and water purification systems, but not one of the most basic necessities for the newly homeless Indians, temporary shelters. This illustrated to me two problems: first, while there was obviously coordination of aid delivery country-by-country, there was not adequate coordination on the international level to make sure that the needed supplies were sent and the needed coordination took place. Second, many of the resources for getting information about what was needed at an early stage were not used, meaning the people on the ground were having a hard time telling international donors what would be most useful. The UN does a lot of coordination, as do international charities and individual countries, but I wondered as I left India if it could not be done better.

The initiative takes shape

One way to work on the better coordination of aid—and to make sure that aid gets to the people who need it most at the least cost—is through a partnership between the U.S. and Catholic and other charities. The Holy See, which has often been called the "world's listening post," can help supply useful data in our efforts to respond more effectively to international disasters.

On December 2, 1994, President Clinton wrote to Pope John Paul II, offering a closer collaboration between the U.S. government and the Vatican to better alleviate the "human suffering in a world with too many man-made and natural disasters." In his letter to the Holy Father, the President designated me as his direct representative on this initiative with the Vatican. The Pope welcomed the initiative in his written response to the President and named Cardinal Roger Etchegaray, president of the pontifical council Cor Unum (which coordinates the humanitarian assistance of the Vatican and Catholic charities around the world) as his point man on the issue.

I met with Cardinal Etchegaray at the end of January. I presented him with a proposal from Brian Atwood, the Director of the U.S. Agency for International Development (U.S. AID) to share with the Vatican situation reports on U.S. assistance missions and reports from its recently-created Famine Early Warning System. U.S. AID also offered to review jointly with the Vatican our various emergency responses, with a view to improving future reactions to emergencies.

Cardinal Etchegaray welcomed our proposals to share information and coordinate the delivery of assistance around the world. He told me that Catholic charities, because of their extensive network of workers in the world's trouble spots, would be able to share the information with the U.S. government. The Cardinal emphasized the Pope's deep interest in humanitarian concerns and pointed to two institutes the Pope supports to promote sustainable development in Latin America and sub-Saharan Africa. He offered

these as two constructive points of immediate cooperation between the U.S. and the Catholic Church.

I have also met regularly with Archbishop Giovanni Cheli, Andre Nguyen Van Chau (International Catholic Migration Commission), Kenneth Hackett (Catholic Relief Services), and with representatives of other respected emergency relief organizations to pursue further avenues of cooperation between the U.S. and the Catholic Church. In March, I spent two hours with Mr. Hackett discussing the best way to anticipate political and natural disasters so that aid can be delivered early. The fine work of CRS should be a model for what we can accomplish on a larger scale, with more donors involved in coordinating humanitarian assistance.

The U.S. has financial resources and logistical support to offer Catholic charities. These charities, which receive direction from the Vatican, are often an early warning system of their own, with key insights into where crises will occur and how to prevent them in the first place.

The Moral imperative to act

Charity begins at home, as the popular saying goes. We are left—after all the discussion and analysis in Congress, on the OP-ED pages, on the Sunday talk shows—with something that is often forgotten: we have a moral imperative to act to save people who are starving and dying. We as a nation have always done this. To say that it should not be part of foreign policy is to deny much of what we are as a people and country. There is no moral distinction to be made between someone starving in New York and someone starving in Sudan or Rwanda. We should attempt to help both.

It is time to cut through the rhetoric and say it clearly: we should be spending a portion of the federal budget—it's only one half of one percent at present, which does not seem to me to be too high—to help those less fortunate than ourselves. It makes good moral, as well as foreign policy, sense.

That said, there are always ways to provide aid more efficiently. By working together, the U.S. and the Holy See can contribute to the more effective utilization of resources to help those in need. In Pope John Paul II and President Clinton, we have a natural partnership in the concern for the poor, disadvantaged, and forgotten. Let's build on that partnership to achieve concrete results. As I have said before, the U.S.-Vatican relationship seems to be one made in heaven; but it's nice also to see fruits of our labor together here on earth.

CHARLES GATI ON A TROUBLED
RUSSIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. LANTOS. Mr. Speaker, I urge my colleagues to take note of an excellent op-ed in the Washington Post of March 17 by my good friend and highly respected foreign policy analyst, Charles Gati. As we reevaluate our relationship with Boris Yeltsin and a rapidly changing Russia, Charles Gati provides an invaluable perspective on the internal disintegration of Russian society and its effect on Yeltsin's ability to govern. While not making excuses for the mistakes Yeltsin has made, we must understand that, as Charles has put it, "Yeltsin's about-face [on reform] is a symptom, not the cause, of Russia's plight." I commend Charles for his incisive and thoughtful

analysis and urge my colleagues to read this excellent piece:

[From the Washington Post, Mar. 17, 1995]

WEIMAR RUSSIA

(By Charles Gati)

In his astute analysis of Russia's predicament [op-ed, Feb. 22], Peter Reddaway convincingly shows that President Boris Yeltsin has all but abandoned the course of reform he began in 1991.

The point that needs to be added is that Yeltsin's about-face is a symptom, not the cause, of Russia's plight. As the transition from one-party rule and the command economy to today's chaotic conditions has benefited few and alienated many, public support for reform has yielded to pressure for retrenchment.

In Moscow, members of the small biznis class can afford to rent a dacha for more than \$5,000 a month, eat out at a fashionable Swiss restaurant where the main course costs \$40, and pay \$3.25 for a slice of Viennese torte. By contrast, the vast majority of the Russian people, who earn less than \$100 a month if employed, are worse off than they were under communism.

The nostalgia they feel for an improved version of the bad old days of order, however oppressive, and the welfare state, however meager, is as understandable as it is unfortunate. They walk by Moscow's elegant storefronts that display expensive Western-made goods priced in dollars, not in rubles, wondering what has happened to their lives and to their country. They look for scapegoats at home and abroad.

Showing disturbing similarities to Weimar Germany of the 1920s, Russia is a humiliated country in search of direction without a compass. It is smaller than it has been in three centuries. Both the outer empire in Central and Eastern Europe and the inner empire that was the Soviet Union are gone, and Moscow must now use force to keep even Russia itself together. As its pitiful (and shameful) performance in Chechnya has shown, the military has been reduced to a ragtag army, with presumably unusable nuclear weapons. Four thousand five hundred rubles—worth more than \$4,500 only a few years ago—are now gladly exchanged for one dollar. For its very sustenance, Russia is at the mercy of the International Monetary Fund, which can palliate but surely cannot cure the country's economic ills.

Worse yet, Russia is deprived of pride and self-respect. There was a time, during World War II, when the whole world admired the Soviet military for its extraordinary boldness and bravery. There was a time, in the 1950s, when several ex-colonies of Asia sought to emulate the Soviet model of rapid industrialization and when Soviet science moved ahead of the United States in space research. There was a time, from the 1920s through the 1970s, when many—too many—Western intellectuals and others believed that Soviet-style communism was the wave of the future. And there was a time when then-Foreign Minister Andrei Gromyko claimed that no significant issue in world politics could be settled without Moscow's concurrence.

To appreciate the present mood of letdown and frustration, imagine that our currency became all but worthless; that our stores identified some of their wares in the Cyrillic rather than the Roman alphabet, showing prices in rubles; that our political and economic life were guided by made-in-Moscow standards; and that our leaders were lectured by patronizing foreign commissars about the need to stay the course in order to join their "progressive," which is to say the communist, world.

In the final analysis, the condition of Weimar Russia is alarming because it is at once

a weak democracy and a weak police state, pluralistic and yet intolerant, pro-American in its promise but anti-American in its resentments. The public—its pride deflated and its economic needs unmet—craves order at home and respect abroad. The authoritarian temptation is pervasive, and so is the urge to be—and to be seen—as strong once again.

The West may defer the day of reckoning, but it cannot obviate the Russians' eventual need to compensate for the humiliation that is their present fate.

THE 150TH ANNIVERSARY OF THE
PALLADIUM-TIMES

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. McHUGH. Mr. Speaker, I rise today to recognize the Palladium-Times, the community newspaper of Oswego County, NY, on its 150th anniversary as a daily.

The newspaper traces its history to 1819, when the Oswego Palladium began as a weekly newspaper, and to 1845, when the Oswego Daily Advertiser began daily publication. Its other predecessor, the Oswego Times, interrupted its publication when its owners went off to fight the Civil War.

As chance would have it, the Oswego Palladium and Oswego Times ended up on the same street in this city on the shores of Lake Ontario. However, when it became apparent that neither paper could thrive while competing in the marketplace, the two newspapers joined forces, and the Palladium-Times was created.

Mr. Speaker, few endeavors are more significant to an informed community than local journalism. Freedom of the press is a vital part of our heritage, reflecting the strong belief that only when people have access to the facts and a discussion of the issues are they able to participate fully in the democratic process.

History has shown that an independent and responsible press is essential to a free society, and the Oswego Palladium-Times, by demonstrating these qualities, has earned the trust and loyalty of its readers throughout its 150 years of service. The men and women of the Palladium-Times can take great pride in this accomplishment. I join the people of Oswego County, NY, in wishing the newspaper many more years of success in this enterprise so important to our democracy.

THE INTRODUCTION OF PRIVATE
LEGISLATION FOR THE RELIEF
OF NGUYEN QUY AN AND
NGUYEN NGOC KIM QUY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MINETA. Mr. Speaker, today I am introducing legislation to finally resolve the bureaucratic nightmare in which a brave hero of the Vietnam war, Maj. An Nguyen, has found himself.

Major An is a decorated veteran of the South Vietnamese Air Force, decorated by the

United States Pentagon. On January 17, 1969, as a helicopter pilot during the Vietnam war, Major An saved the lives of four United States servicemen.

The account of that incident shows clearly that this is an individual to whom this country owes a great debt. The June 4, 1969 announcement of the U.S. Military Assistance Command's decision to award him the Distinguished Flying Cross stated:

Captain An distinguished himself by heroic action on 17 January 1969 while serving as Flight Leader and Aircraft Commander, 219th Squadron, 41st Wing, Vietnamese Air Force. On that date, Captain An was called upon to lead his flight deep into enemy held territory to insert a platoon of Special Forces personnel into a bomb crater landing zone. His ship was taken under enemy automatic weapons fire on his approach but he steadfastly continued with this cargo of troops. While he was a high orbit, one of the United States Army helicopters in his flight was hit in the fuel cell by a heavy caliber round during a climb from the jungle clearing.

Captain An sighted the burning helicopter and entered a high speed dive to overtake it. As he flew next to his American comrades, he accurately vectored them toward what appeared to be a suitable forced landing area. When he saw that ground obstacles would preclude a safe landing, he deftly maneuvered his aircraft and the Army helicopter away from the landing zone and vectored them toward another jungle clearing.

While the crippled ship was making its approach into the tall elephant grass, Captain An, with complete disregard for his own safety, landed a scant few feet away. Here he calmly awaited his beleaguered comrades and directed his crew chief to cut a path to their ship.

Captain An's heroic actions reflect great credit upon himself and the Armed Forces of the Republic of Vietnam.

The testaments of the U.S. servicemen whose lives he saved are equally compelling. With a record such as this, one would think it would be easy for Major An to do what he has sought to do for 20 years, immigrate to America.

Unfortunately, Major An's case does not fit neatly into the categories in which Vietnamese refugees travel to the United States.

U.S. law grants permanent residence to officers of the South Vietnamese Army who spent at least three years in the so-called red-education camps reestablished by the communist regime.

Major An, however, did not spend 3 years in the camps. In 1970, as part of another mission, he was wounded and both his arms were amputated. When South Vietnam fell, he was sent to the re-education camps.

Unable to take care of himself because of his disability, he was expelled from the camp. Over the past two decades he has tried repeatedly to come to the United States, but was captured each time.

Col. Noburo Masuoka—USAF, retired—contacted me on Major An's behalf in April 1992. It took almost 2 years to get the necessary waivers and permission for him to leave Vietnam and come to the United States. But the Clinton administration's decision to grant him humanitarian parole, Major An and his daughter Kim Ngoc Nguyen, arrived in the San Francisco Bay area in January 1994.

Unfortunately, Mr. Speaker, humanitarian parole does not constitute permanent permission to remain in the United States. Major An

and his daughter deserve permanent residency status, and the bill I am introducing today will grant them that status.

I would like to thank my good friend, Representative LAMAR SMITH, the chair of the Immigration and Claims Subcommittee of the Judiciary Committee for his help and the help of his staff in putting this bill together.

It is my hope that we can move this bill forward, but through the red tape which has entangled Major An's case for so many years, and demonstrate our respect and admiration for the noble self-sacrifice of this truly American hero. I urge all my colleagues to join me in that effort.

IN RECOGNITION OF ROBERT R.
MCMILLAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate Mr. Robert R. McMillan on his appointment to Key Bank's board of directors.

Mr. McMillan is currently a partner in the law firm of McMillan, Rather, Bennett & Rigano, P.C. with offices located in Melville and Garden City.

During the course of his career, Mr. McMillan has served as vice president for Avon Products, Inc. and government relations advisor for Mobile Oil. In addition he has been counsel to U.S. Senator Kenneth Keating, an honor graduate attorney in the antitrust division of the U.S. Department of Justice and special assistant to Richard Nixon prior to his Presidency.

In 1987, McMillan founded the Long Island Housing Partnership, Inc. of which he is currently chairman. Due to his work with the partnership, he was named 1992 Entrepreneur of the Year for the most socially responsible company on Long Island.

Mr. McMillan is an active member of our community, holding board positions with Lumex, Inc., Empire Blue Cross-Blue Shield, Old Westbury Gardens and the Institute for Community Development. For 5 years, Mr. McMillan was a member of the board of directors of the Panama Canal Commission, where he served as chairman for 1993-94. In addition, Mr. McMillan writes a weekly newspaper column and is cohost of the public affairs television show "Face-Off."

Mr. Speaker, it is my privilege and distinct pleasure to bring Mr. Robert McMillan to the attention of my colleagues and hope they will join me in saluting Mr. McMillan for his demonstrated commitment to our Long Island community.

HONORING THE AMERICAN
HERITAGE CLUB

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize the American Heritage Club and the club's faculty sponsor, Mr. Larry Wong, and school superintendent Ginger Shattuck.

Under Larry Wong's leadership, the American Heritage Club has provided hundreds of

scholarships to students in the Norwalk/La Mirada Unified School District. Over the past 16 years, Larry has organized and participated in numerous academic field trips to Washington, DC. For over 30 years, Larry has taught our students how to be leaders in their community and the value of participating in our democratic society. An energetic supporter and backbone of the American Heritage Club has been superintendent Ginger Shattuck. On March 18, the American Heritage Club dedicated its 1995 luau to Ginger for her tireless efforts and commitment to the club. Our community is stronger and richer because of the American Heritage Club's spirit of cultural and intellectual enrichment.

Mr. Speaker, it is with pride that I rise to recognize the American Heritage Club for encouraging so many young people to become leaders and I ask my colleagues to join this salute.

TWO WONDERFUL INSTITUTIONS

HON. JOSEPH M. MCDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MCDADE. Mr. Speaker, I rise today to commemorate two important milestones: The 150th anniversary of the founding of the Congregation of the Sisters, Servants of the Immaculate Heart of Mary; and the 80th anniversary of Marywood College, the institution established by the Sisters in Scranton, PA.

The Congregation of the Sisters, Servants of the Immaculate Heart of Mary was founded in 1845 by a redemptorist priest and three women led by Theresa Maxis Duchemin, the first African-American woman to become a Catholic Sister. Their mission was directed to service and to education, with a devotion to helping the poor, the oppressed, and the neglected. The Sisters established schools in many industrial areas, seeking to foster the aspirations of working people's children.

In keeping with that mission, the Sisters established Marywood College in 1915 to provide opportunities in higher education to women. Today a coeducational liberal arts college, Marywood College, continues to be guided by the principles demonstrated by the Congregation of the Sisters, Servants of the Immaculate Heart of Mary. The college has prepared students to live responsibly in an interdependent world, while fostering the knowledge that a loving, personal God exists and that each person has a right to enjoy the world that God has provided.

Marywood College has diversified its programs to help equip students for satisfying and productive careers. Numerous professional programs have been created toward this goal, many of which are in the helping professions in keeping with the college's tradition of service. Additionally, Marywood's four schools address a variety of concerns like attention to the needs of military families, education in advanced communications technologies, and ministry to regional migrant workers.

I have had the great pleasure of witnessing the growth of this regional college into a respected institution catering to a diversity of

students and their needs. As the college has grown, it has remained motivated by the perspective of the Sisters, Servants of the Immaculate Heart of Mary, who have given much to our Nation through their devotion to people and to their faith.

Mr. Speaker, I ask my colleagues to join me in honoring the Sisters, Servants of the Immaculate Heart of Mary, and the entire Marywood College family as we observe these landmark anniversaries.

CONGRATULATIONS TO YOUNG
ISRAEL OF SHARON, MA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, I am very pleased that on Saturday, March 25, I will have the honor of attending the 1995 dinner of the Young Israel of Sharon Synagogue. The theme of this dinner, acknowledging 23 years of the synagogue's existence, is community service and leadership. Since that is the theme that many of us in Washington are trying to stress, I am especially pleased to attend an event in which people have been exemplifying this spirit in their own community.

The dinner will honor Eleanor Herburger, a vital and important citizen of Sharon who will be presented with a Shachain Tov—Good Neighbor—Award for her varied and valued community service. Rabbi Meir Sender and his congregation have a great deal of which to be proud. I am pleased to be able to call attention here to their excellent work, and the model they present to so many others, and I am honored that I will have a chance to be with them to mark this great occasion.

TRIBUTE TO RABBI EPHRAIM H.
STURM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge publicly outstanding citizens of our Nation. I rise today to honor Rabbi Ephraim H. Sturm, a truly remarkable individual.

In 1948, he joined the staff of the National Council of Young Israel, a modern Orthodox synagogue group with branches across the United States. In his over 40 years with Young Israel, he was directly or indirectly involved in the expansion of the movement from 31 synagogues to almost 200, with an additional 50 synagogues in the State of Israel, 4 in Canada, and 1 in Holland.

On a nonsectarian level, he was project director for 22 years as an on-the-job training program of the U.S. Department of Labor. As project director he negotiated and executed over \$10 million in Government contracts in New York City and across America. His record of achievement and fiscal responsibility stands as an inspiration to us all.

Rabbi Sturm has served as a trustee and member of the executive board of the Memo-

rial Conference and Jewish culture representing Young Israel at the various meetings and conferences in Europe. In Israel he was one of the founders of the World Conference of Orthodox Jewish Synagogues and Kehilot which then became a member in the World Zionist Organization. At the last Zionist Congress in Jerusalem he had the prestigious position of chairing the plenary session on demography.

Apart from serving for over 15 years as chaplain in the New York State Guard, he served on the New York City Manpower Commission, the New York State Advisory Council on Human Rights, the New York State Advisory Council on Kosher Law Enforcement, the New York State Advisory Council on Consumer Protection, and the New York State Task Force on Problems of the Hasidic Community. Recently, he was appointed to the New York State Advisory Board on Government Contracts to Nonprofit Agencies.

Upon retirement after 50 years of service to the community, this indomitable personality embarked upon a new career of lecturer and chaplain at the New York College of Podiatric Medicine, consultant to a health care facility and assistant to the president in a venture involving labor unions and health care.

Rabbi Sturm received over 40 awards and citations from various national and international organizations as well as Government agencies. Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S. House of Representatives to join me in commending Rabbi Sturm for his tireless work.

THE HEBREW ISRAELITE
COMMUNITY IN ISRAEL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. HAMILTON. Mr. Speaker, for 25 years, the Hebrew Israelite Community, a group of about 1,500 African-Americans, has lived in the Israeli desert cities of Dimona and Arad. Despite racial, linguistic, religious, and cultural differences from Israeli society, the Hebrew Israelite Community has successfully adapted to their desert environment, developing innovative approaches to agriculture, community industries, and health care. The leaders of the community feel that some of their innovative approaches to agriculture and community industries have broader application potential in the developing world, especially Africa.

Initially skeptical or hostile, Israelis in Dimona and Arad have come to view the Hebrew Israelites as part of their society. Last year, the Israeli Government granted the members of the Hebrew Israelite Community permanent resident status.

In recognition of the successful efforts by both the Hebrew Israelite Community and the Israeli Government to resolve their differences, I would like to place in the CONGRESSIONAL RECORD the following brief article from the Chicago Sun-Times of December 12, 1994.

BLACK HEBREWS AT HOME IN ISRAEL

(By Jay Bushinsky)

DIMONA, ISRAEL.—By clinging to this dry desert landscape and blending their authentic American folklore with Israel's biblical heritage, the black Hebrews have become an

integral part of this country's human landscape.

More than two decades have elapsed since their latter-day equivalent of Joshua, charismatic Ben-Ami Carter, arrived in Israel by way of Liberia with the Hebrew Israelite Community's advance party.

Now its adherents are centered in Dimona and have fellow believers in nearby Arad and Mitzpe Ramon, two smaller development towns in the Negev desert. There is no comparing the controversy and tension generated by Carter's outspoken debut in Israel.

He declared at the time that his followers were the real descendants of the ancient Hebrews and termed the predominant Ashkenazic Jews imposters.

But the polemical phase of the black Hebrew saga is far behind the sedate, self-confident residents of this neat corner of largely North African city just up the road from the top-secret nuclear reactor which has become an international synonym for Dimona.

Carter made his peace with Israeli officialdom, placed his followers under its legal jurisdiction, put his educational facilities under government supervision and fostered cultural contact with the Israeli public through music, sports and the mass media.

The latest evidence that his policy gets the right results came when Israel's equivalent of social security, the National Security Institute, extended its coverage to his flock.

This means that the black Hebrews who live and work in Israel will be eligible for old-age pensions, disability compensation, childbirth subsidies and cash allowances for large families.

Last year, the ministry of the interior, which had refused to recognize the Hebrew Israelite Community's members as bonafide immigrants under the Law of the Return, granted them temporary residence permits and dropped its charges that they were illegal immigrants who had overstayed their entry visas and were candidates for deportation to the United States.

This move coincided with a U.S. grant of \$700,000 for the construction of a comprehensive public high school.

The new educational facility's classrooms are packed with students, all garbed in the navy blue uniforms ordained by their teachers, who insist on high standards of personal hygiene as well as immaculate dress.

Although the Hebrew language is taught and virtually all of the black Hebrews who were born here or are veteran residents can speak and understand, English remains the prevailing tongue.

One of the most impressive examples of linguistic adaptation was audible when a cluster of second-graders ambled along singing a popular Israeli folk song with the same glee as their contemporaries in Tel Aviv.

NATIONAL AGRICULTURE WEEK

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. DURBIN. Mr. Speaker, I rise today to recognize the men and women of this country who work the land, process and refine our agricultural commodities, and engage in the research that keeps American farmers and ranchers the most efficient in the world. I rise to pay tribute to the U.S. agricultural community.

As we all know, 1995 is a year in which American agriculture and our national farm policy will be in the spotlight. With severe

budget constraints and political pressure to rethink and reshape our agriculture policy, the farm bill will undoubtedly stimulate passionate discussion about the future of American agriculture.

This year, Congress will have the important task of steering American agricultural policy into the 21st century. We will examine and debate issues ranging from how we direct Federal farm programs to new uses—ethanol and biodiesel—to trade and new markets to environmental and conservation concerns. I am pleased to note that President Clinton will convene a national rural conference in Iowa on April 25 to discuss these important issues as well as the future of rural America. I am honored to have the opportunity to host one of the sessions leading up to the national conference in Illinois.

However, before we proceed with debate on the reauthorization of farm programs, we should pause to say thank you to the men and women who work the land on America's 1.9 million farms and to the more than 21 million people working in agriculture—from growing to transporting to processing to marketing and selling to conducting the research.

It may surprise many of my colleagues to learn that today's farm population is only 1.9 percent of the total U.S. population. More importantly, today one farmer, on average, feeds 129 people. Forty-five years ago, farmers comprised over 12 percent of our population and one farmer fed only 15 people. The world's most productive and efficient farmers live and work here in the United States, including on Illinois' more than 77,000 farms.

Mr. Speaker, American farmers are the most efficient producers of food and fiber in the world. We, as Americans, are blessed to have the natural resources and farming expertise that help guarantee consumers a safe and abundant food supply. The food and fiber system in this country now generates more than \$900 billion a year in economic activity—about 14 percent of our gross domestic product. Clearly, American agriculture has a good story to tell.

Mr. Speaker, we need to take time to recognize the significant contributions that agriculture makes to our everyday lives. From production agriculture to research, it is easy to see that the diversity of American agriculture touches almost every aspect of our lives.

CLINTON'S BLIND EYE TOWARD CHECHNYA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise to draw attention to the ongoing crisis in Chechnya, which began exactly 100 days ago today, when the Kremlin launched a massive military offensive in the region. In an ironic twist, details of this tragedy have been largely overshadowed by yesterday's announcement that President Clinton will travel to Moscow in early May to meet with President Yeltsin. He is proceeding despite the urgings of Congress and, apparently, officials within his own administration that he stay home. The Clinton administration has mishandled this crisis from the outset and, with yesterday's announce-

ment, has proven that it has lost touch with reality where Yeltsin is involved.

The administration should have taken advantage of Moscow's strong desire to secure United States participation in ceremonies commemorating the end of World War II, and pressured Moscow to agree to an immediate, unconditional cease-fire, and the deployment of a long-term OSCE mission in Chechnya. Again, the administration acquiesced, after Yeltsin made a concession about the planned military parade. But that parade is in May—Russia is committing atrocities right now.

One hundred days ago, Mr. Speaker, our administration characterized this crisis as an internal affair, better left to the Russians to handle. But the crisis, which many in Moscow and in Washington had hoped would go away, has not. About 24,000 individuals have been killed and hundreds of thousands have been driven from their homes. Gross human rights violations and atrocities have gone unchecked, as the humanitarian nightmare in Chechnya continues. The Russian campaign in the region constitutes a gross violation OSCE principles.

Nearly 2 months after the OSCE Permanent Council's decision of February 3, most of the problems raised at the time—for example, disproportionate use of force, gross human rights violations, unhindered delivery of humanitarian assistance, access to detainees—persist and have not been addressed in a meaningful manner, if at all.

During the Helsinki Commission's hearing in January, human rights champion Dr. Elena Bonner implored us, "[F]rom outside Russia, the stable democratic societies of the West must employ all diplomatic means to pressure Mr. Yeltsin to call off his assault and negotiate with the Chechen leaders."

As chairman of the Commission on Security and Cooperation in Europe, I have closely followed these troubling developments. I have repeatedly spoken out against Russian actions in Chechnya and the disappointingly muted response by our own leadership.

Mr. Speaker, I urge Secretary Christopher to press Foreign Minister Kozyrev to abide by the OSCE decisions, to agree to an unconditional cease-fire, and to accept a long-term OSCE monitoring mission, when they meet later this week in Geneva. The Russians continue to stall on all three points.

While they have hinted that they could accept an OSCE mission in principle, they appear to be stonewalling. If the Russians finally agree to accept such a mission, painstaking care must be taken in the elaboration of its mandate. Russian good will alone will not be enough.

The last thing we need is an OSCE mission which can be manipulated into a kind of Potemkin village to lend legitimacy to Russian policies in Chechnya.

Mr. Speaker, I regret the fact that the President has agreed to go to Moscow while Yeltsin continues his campaign of death and destruction in Chechnya. It is high time that President Clinton stop turning a blind eye toward the Chechen crisis and starts pressing Boris Yeltsin to end the senseless slaughter.

JOHN SCHROER NAMED REFUGEE MANAGER OF THE YEAR

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. BATEMAN. Mr. Speaker, I am pleased to congratulate John Schroer, refugee manager of the Chincoteague National Wildlife Refuge, as the recipient of the Paul Kroegel Refugee Manager of the Year Award.

Each year the National Wildlife Refuge Association and the National Audubon Society present the Paul Kroegel Award to a national wildlife refuge manager who has shown "a commitment to the conservation of our natural resources, superior management skills, innovative actions to deal with complex issues, effective public outreach programs, and a background that has advanced the cause of wildlife conservation and the mission of the National Wildlife Refuge System." John has certainly shown these qualities since coming to Chincoteague.

By the time John arrived in 1989, a series of public use controversies and an aborted management planning process had left relations between the local citizens, environmental groups, and the refuge badly frayed. It was clear, however, that a master plan was sorely needed to let all interested groups know the long- and short-term parameters for public access and wildlife protection. Without such a plan, every action taken on the refuge would prove controversial, and energy and resources that would be better spent improving public access and wildlife protection would continue to be wasted on endless administrative reviews.

John proved more than equal to the task. He put together a group of representatives from the local community and from national and regional environmental organizations. These groups held numerous meetings and, after considerable debate, a refuge management plan was adopted in December 1992. This plan contains a long-term plan for the refuge, and lets all interested parties know how public access and wildlife protection issues will be handled. As other refuges undertake planning efforts, this plan should be held up as an example of both a good substantive plan, and an example of a good planning process where all interested parties had their say.

I hope that the planning efforts now underway in other refuges around the country are as successful as the one at Chincoteague. If those plans are successful, more time can be spent in the future on the real work of the refuge system rather than on constant public relations battles. This will be good news for the refuge managers, the public who visit refuges, and the wildlife that the refuges are designed to protect.

John deserves a great deal of the credit for the Chincoteague plan's success in resolving longstanding controversial issues in realistic ways, and for the success of the plan-writing process itself. For proof of that, we need to look no farther than the nominations he received for this award. Seven years ago, no one would have believed that the northeast region, prominent local citizens, and the leader of a Chincoteague-focused environmental group would nominate the same person for this award in 1995. This demonstrates that

John's skills in diplomacy are no less impressive than his skills in wildlife management.

John has degrees in wildlife management from North Carolina State University and Louisiana State University. He served in the U.S. Army, and has held refuge management positions at the Eufaula, Cape Romain, Santee, Back Bay, Mississippi Sandhill Crane, Blackwater, and Okefenokee National Wildlife Refuges. He has served as manager at Chincoteague since 1989, and he and his wife live in Wattsville, VA. The award is to be presented to John by the U.S. Fish and Wildlife Service Director, Molly Beattie, at a ceremony at the North American Wildlife and Natural Resources Conference in Minneapolis on March 25, 1995.

TRIBUTE TO WILBERT OWENS, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Mr. Wilbert Owens, Jr., a man who has achieved excellence in nearly every professional and educational endeavor. Mr. Owens is retiring after 23 years of distinguished service in the L.A. County district attorney's office.

Mr. Owens' success began long before he became an attorney. In Denison, TX where he was born, he was a talented scholar-athlete, graduating from Terrell High School as class valedictorian, class president, and captain of the football team. Mr. Owens also received the Rockwell trophy for student-athlete with the highest academic average. After high school, Mr. Owens attended Bethune-Cookman College, where he graduated with honors, earning a B.S. in pre-med. Here also he displayed his ability to excel in both academics and athletics by achieving all-conference honors in football and being named captain of the team.

Wilbert Owens' dreams of becoming a doctor were put on hold when he was drafted into the Army on October 13, 1955. However, he was not daunted by this occurrence. He finished officer candidate school in 6 months and was commissioned 2d lieutenant. From Fort Ord Mr. Owens was sent to the 11th Airborne Division in Germany, where he served as 1st lieutenant, platoon leader, executive officer of Rifle Company, and detachment commander of the military police unit. Mr. Owens returned to the United States in 1959 and was promoted to captain while at Fort Lewis, WA. The balance of his military service included a tour in Vietnam from 1962-63, where he earned an Army commendation medal for successfully

constructing a training center to train and equip 2,000 men in self-defense.

In Germany Wilbert Owens first discovered his passion for the law, defending soldiers charged with minor crimes. He won all of his cases and was appointed prosecutor. Later, he received the distinction of a seat on the courts' martial board.

Upon his release from the military in 1963, Mr. Owens decided to pursue his interest in the law, he first joined the L.A. County Marshall's office, a position he held with honor for 9 years. To enable his new dream of a law career to become a reality, Mr. Owens attended Southwestern Law School at night, beginning in 1965. In 1972 he was admitted to the California bar and hired by the L.A. County district attorney's office, where he has worked for 23 years. Because of his diligence and commitment to his profession, Mr. Owens rose through the ranks of the district attorney's office from the research and training division to the deputy position at the Inglewood adult office.

Wilbert Owens, Jr. exemplifies hard work, perseverance, and commitment to society. He deserves our praise and I strongly urge my colleagues to join me in commending him on his accomplishments and congratulating him on his retirement. Please join me in extending best wishes to Will and his lovely wife, Evelyn.

SURPRISE BIRTHDAY PARTY FOR DR. TIRSO DEL JUNCO

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MOORHEAD. Mr. Speaker, on April 22, 1995 a surprise birthday celebration will be held in the honor of an old and dear friend of mine, Dr. Tirso Del Junco.

Dr. Del Junco, a prominent Los Angeles surgeon and entrepreneur, was born in Havana, Cuba. He moved to the United States and received his citizenship after graduating from the Havana School of Medicine with his M.D. in 1949.

He took his surgery residency at the Queen of Angeles Hospital in Los Angeles. This was followed by post graduate work at the University of Pennsylvania in 1954-55.

In the field of diplomacy, Dr. Del Junco was appointed the Ambassador Extraordinary and Plenipotentiary of the Sovereign Military Order of Malta to Nicaragua in 1978. He continues to hold that honor to this day.

He was a captain in the U.S. Army from 1955 to 1957. During this time, he was chief of surgery at Camp Hanford Army Hospital. Later he was assigned as the Washington

Medical Officer to the Cuban Army of Liberation (Bay of Pigs) in 1961.

His business affiliations were extensive. Among them, he was the founder and chairman of the board of Los Angeles National Bank and a member of the board of Technicolor Inc. On the labor side of the equation, he is a member of the American Federation of Television and Radio Artists.

Some of his community involvements include the presidency of Hollywood Park Charities, director of the Thomas Jefferson Center on National Values Education Programs, and director of the Salesian Boys Club of Los Angeles.

His political activities, government appointments, and professional membership are too numerous to mention.

Mr. Speaker, as I said earlier, Dr. Del Junco is a friend and a special individual. He is very well organized, very hard-working, and very committed.

He is a responsible leader who has made numerous contributions in medicine, politics, and government.

He has served his profession, his community, State and Nation with dedication, dignity, and great skill.

It is an honor for me to take this moment to pay tribute before my colleagues in the U.S. House of Representatives to Dr. Del Junco. The man and his record are worthy of celebration.

LICENSES AND APPROVALS FOR THE EXPORT OF COMMERCIALY SOLD DEFENSE ARTICLES AND SERVICES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention information prepared by the Office of Defense Trade Controls, Department of State, pursuant to Section 36(a) of the Arms Export Control Act. On January 9, 1995, I included in the CONGRESSIONAL RECORD, page E66, tables detailing worldwide Foreign Military Sales [FMS] during fiscal year 1994 for defense articles and services, and for construction sales.

Today, I would like to include in the RECORD a table that summarizes total licenses/approvals for the export of commercially sold defense articles and services during fiscal year 1994. Licenses/approvals issued in fiscal year 1994 totaled \$25.635 billion, compared with \$39.109 billion in fiscal year 1993.

The table follows:

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALY SOLD DEFENSE ARTICLES/SERVICES, SEPT. 30, 1994

[In thousands of dollars]

Country	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Cummulative
Afghanistan	0	0	0	0	0
Albania	0	0	0	0	0
Algeria	1,743	1,226	1,515	8,887	13,371
Andorra	4	0	9	6	19
Angola	1,662	67	0	0	1,729
Anguilla	0	0	0	0	0
Antigua	1	1	4	272	278
Argentina	14,818	44,842	4,824	10,810	75,294
Armenia	0	0	0	0	0
Australia	85,470	170,164	204,302	60,087	520,023
Austria	2,936	26,340	941	1,788	32,005
Azerbaijan	0	0	0	0	0
Bahamas, the	44	23,277	5	8	23,334
Bahrain	14,789	617	776	1,151	17,333

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALY SOLD DEFENSE ARTICLES/SERVICES, SEPT. 30, 1994—Continued

[In thousands of dollars]

Country	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Cummulative
Bangladesh	72	16	145	272	505
Barbados	30	23,298	62	20	23,410
Belarus	0	0	0	0	0
Belgium	40,693	51,116	11,329	42,878	146,016
Belize	15	12	3	27	57
Benin	0	0	0	0	0
Bermuda	161	89	31	9	290
Bhutan	0	0	8	97	105
Bolivia	413	23,828	27	940	25,208
Bosnia-Herzegovina	0	0	0	0	0
Botswana	1,300	83	25	1,916	3,324
Brazil	47,441	244,620	1,814	8,648	302,523
British Virgin Islands	0	6	0	0	6
Brunei	6,515	4,436	5,155	18,191	34,297
Bulgaria	0	166	10	4	180
Burkina Faso	0	0	0	0	0
Burma	0	0	0	0	0
Burundi	0	0	0	0	0
Cambodia	0	0	0	0	0
Cameroon	41	0	1,584	0	1,625
Canada	4,362	2,107	1,389	21,835	29,693
Cape Verde, Repub	0	0	0	0	0
Cayman Islands	36	14	5	15	70
Central African R	0	0	0	0	0
Chad	0	0	0	0	0
Chile	21,352	47,543	17,904	1,456	88,255
China	0	0	0	438	438
Colombia	2,903	30,022	17,704	9,819	60,448
Comoros	0	0	0	0	0
Congo	26	63	0	4	93
Costa Rica	371	160	6,954	8,551	16,036
Cote D'Ivoire	101	2	0	167	270
Croatia	0	0	0	0	0
Cuba	0	0	0	0	0
Cyprus	138	38	2,301	149	2,626
Czech Republic	26,812	5,506	3,481	331	36,130
Czech Rep. & Slovakia	0	0	0	483	483
Denmark	64,135	34,050	14,737	47,310	160,232
Djibouti	0	0	0	0	0
Dominica	5	1	0	2	8
Dominican Republic	946	825	6,725	808	9,304
Ecuador	673	24,282	622	387	26,164
Egypt	13,866	102,382	160,295	30,871	307,414
El Salvador	2,504	745	6,337	2,383	11,969
Equatorial Guinea	0	0	0	0	0
Eritrea	0	0	0	0	0
Estonia	5	339	323	199	866
Ethiopia	145	195	0	156	496
Fiji	0	679	0	0	679
Finland	31,816	55,880	4,328	305,711	397,735
France	46,074	76,221	39,036	25,505	186,836
French Gulana	2,172	935	3,617	2,409	9,133
French Polynesia	0	2	0	0	2
Gabon	3	1	0	14	18
Gambia, the	0	0	0	0	0
Georgia	0	0	0	0	0
Germany	379,115	501,362	201,552	465,953	1,547,982
Ghana	0	0	1	4	6
Greece	42,936	38,327	42,271	33,523	157,057
Greenland	0	0	0	0	0
Grenada	0	1	0	14	15
Guadeloupe	8	183	0	0	191
Guatemala	2,699	25	6,298	422	9,444
Guinea	0	8	0	0	8
Guinea-Bissau	0	0	0	0	0
Guyana	7	17	16	140	180
Haiti	0	0	0	0	0
Honduras	215	11	5,900	436	6,562
Hong Kong	31,032	24,356	8,654	119,744	183,786
Hungary	462	71	3,283	14	3,830
Iceland	14,033	79,130	26	20,003	113,192
India	89,676	20,260	5,323	19,623	134,882
Indonesia	19,573	40,135	11,832	18,736	90,276
Iran	0	0	0	0	0
Iraq	0	0	0	0	0
Ireland	953	323	282	267	1,825
Israel	63,006	842,198	43,991	220,739	1,169,934
Italy	228,150	168,888	293,866	190,787	881,691
Jamaica	226	23,697	234	24	24,181
Japan	422,418	561,805	345,897	807,159	2,137,279
Jordan	1,910	1,379	643	413	4,345
Kazakhstan	0	17	3	574	594
Kenya	23	3	20	0	46
Kiribati	0	0	0	0	0
Korea, Republic of	719,283	308,227	276,560	199,522	1,503,592
Kuwait	1,826	1,548	266,055	90,896	360,325
Kyrgyzstan	0	0	0	0	0
Laos	0	0	0	0	0
Latvia	0	3	44	9	56
Lebanon	411	1,932	596	160	3,099
Lesotho	0	0	0	0	0
Liberia	0	0	0	0	0
Libya	0	0	0	0	0
Lechtenstein	29	0	0	0	29
Lithuania	0	0	1	1	2
Luxembourg	212,982	83,102	100,811	21,726	418,621
Macao	19	128	51	0	198
Macedonia	0	0	0	0	0
Madagascar	0	0	0	0	0
Malawi	0	0	0	0	0
Malaysia	63,798	52,907	29,000	20,343	166,048
Maldives	39	0	0	1	40
Mali	0	0	0	0	0
Malta	11	0	7	21	39
Marshall Islands	0	0	0	0	0
Martinique	60	0	0	0	60
Mauritania	0	0	0	0	0
Mauritius	0	0	27	0	27
Mexico	110,696	99,667	63,953	38,515	312,831
Micronesia	0	0	0	0	0

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALY SOLD DEFENSE ARTICLES/SERVICES, SEPT. 30, 1994—Continued

[In thousands of dollars]

Country	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Cummulative
Moldova	0	0	0	225	225
Monaco	13	0	0	0	13
Mongolia	0	0	0	0	0
Morocco	6,505	5,463	10,748	23,940	46,656
Mozambique	0	0	0	0	0
Namibia	558	103	64	139	864
Nauru	0	0	20	0	20
Nepal	0	23	62	13	98
Netherlands	62,304	150,036	49,083	149,586	411,009
Netherlands Antil	287	23,277	33	31	23,628
New Caledonia	49	34	39	29	151
New Zealand	40,920	45,064	58,228	37,329	181,541
Nicaragua	4	2	5,900	0	5,906
Niger	0	2	0	0	2
Nigeria	483	62	16	84	645
Norway	86,053	84,523	31,055	76,136	277,767
Oman	3,234	1,901	1,863	1,708	8,706
Pakistan	9,408	59,069	1,777	15,517	85,771
Panama	4,524	563	6,013	264	11,364
Papua New Guinea	236	8	37	15	296
Paraguay	2,457	26,471	446	3,824	33,198
Peru	0	4,887	23,279	136	28,302
Philippines	40,990	35,634	120,023	5,936	202,583
Poland	629	313	1,705	220	2,867
Portugal	37,863	63,677	8,663	47,997	158,200
Qatar	722	2,933	722	888	5,265
Reunion	0	0	0	10	10
Romania	0	40	24	6	70
Russia	69	872	1,441	2,454	4,836
Rwanda	0	8	0	0	8
San Marino	0	10	0	0	10
Sao Tome and Prin	0	0	0	0	0
Saudi Arabia	2,218,281	95,577	171,541	2,518,460	5,003,859
Senegal	0	0	0	14	14
Serbia & Montenegro	0	0	0	0	0
Seychelles	0	35	0	0	35
Sierra Leone	0	0	0	0	0
Singapore	604,744	73,169	41,605	42,314	761,832
Slovakia	27	1,088	46	90	1,251
Slovenia	47	0	142	5,279	5,468
Solomon Islands	0	0	0	0	0
Somalia	0	0	0	0	0
South Africa	33	0	2,222	1,927	4,182
Spain	73,195	80,132	230,824	87,872	472,023
Sri Lanka	139	23,915	276	81	24,411
St. Helena	0	0	0	0	0
St. Kitts & Nevis-Ango	0	22	0	0	22
St. Lucia	0	18	0	0	18
St. Pierre & Miquelon	0	4	0	0	4
St. Vincent	0	0	1	0	1
Sudan	0	0	0	0	0
Suriname	678	0	0	41	719
Swaziland	0	0	0	0	0
Sweden	35,114	103,249	27,300	236,117	401,780
Switzerland	49,635	76,814	10,758	58,024	195,231
Syria	0	0	0	0	0
Taiwan	46,012	26,418	1,724	133,515	207,669
Tajikistan	0	0	0	8	0
Tanzania	2	11	0	8	21
Thailand	40,371	64,519	18,847	40,091	163,828
Togo	0	0	0	0	0
Tonga	0	0	0	0	0
Trinidad & Tobago	121	23,287	25	104	23,537
Tunisia	256	519	262	57	1,094
Turkey	247,841	127,302	101,384	131,024	607,551
Turkmenistan	0	0	0	0	0
Turks & Caicos	0	0	6	0	6
Tuvalu	0	0	0	0	0
Uganda	33	0	2	18	53
Ukraine	0	3	29	12	44
United Arab Emirates	301,969	10,781	114,609	9,628	436,987
United Kingdom	486,960	539,498	231,970	203,422	1,461,850
United Nations	0	0	13,233	632	13,865
U.S.A	9	16	0	21	46
Uruguay	757	23,689	52	474	24,972
Uzbekistan	12	0	0	0	12
Vanuatu	0	0	0	0	0
Various Countries	36,501	3,473	376,261	742,995	1,159,230
Vatican City	0	0	0	0	0
Venezuela	5,495	29,569	40,760	3,939	79,763
Vietnam	0	0	0	4	4
Western Sahara	0	0	0	0	0
Western Samoa	0	0	0	0	0
Yemen	63	176	0	0	239
Yugoslavia	0	0	0	0	0
Zaire	0	0	0	0	0
Zambia	47	0	82	28	157
Zimbabwe	607	110	49	17	783
Classified Totals **	157,646	197,862	224,834	713,747	1,294,089
Worldwide total	7,446,093	5,852,137	4,155,809	8,181,225	25,635,264

** See classified annex to CPD.

Note: Details may not add due to rounding. This information was prepared and submitted by the Office of Defense Trade Controls, State Department.

HONORING "SALADO LEGENDS" FOR THEIR THIRD SEASON OF BRINGING THE STORY OF CENTRAL TEXAS PIONEERS TO THE STAGE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. EDWARDS. Mr. Speaker, today it is with great pride and pleasure that I honor the 1995 presentation of "Salado Legends." This stage drama brings to life the story of central Texas pioneers who braved danger and hardship to carve out a new life.

For the past three summers more than 100 cast and crew have donated their time and talent to bring this production to appreciative audiences. This unique stage production reenacts the experiences of Scottish settlers who arrived in Salado in Bell County in the late 1850's. The audience is treated to a slice of central Texas history through song, dance, and story.

I ask Members to join me in honoring the cast and crew of this stage production for their work preserving a piece of history in my Texas congressional district.

IN TRIBUTE TO EDWARD ROBERTS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a true American pioneer, a hero to millions, a leader in the truest sense of the word: Edward V. Roberts. Ed Roberts was known and loved by millions throughout the world, for, by the sheer force of his will, intelligence, and genius, he created the independent living movement for people with disabilities.

Born in 1939, Ed was stricken with polio at the age of 14. Left a quadriplegic by the disease, Ed soon found that the world did not recognize that though his body had been ravaged, his mind had not. Confronted with the fact that his high school would not let him graduate because he could not complete mandatory driver's and physical education classes, Ed began his career in tenacious advocacy by convincing his principal to lift that restriction.

In 1962, he became the first severely disabled student to attend the University of California at Berkeley, overcoming opposition to the idea of a student who required a respirator during the day and an iron lung at night. He was physically separated from other students by the school, which housed him at Cowell hospital. Not being content with being a trailblazer for the admission of disabled students, he led a successful fight to allow them to use regular student housing.

After receiving a bachelor's and master's degree in political science, and after teaching at UC-Berkeley for 6 years, Ed left the school to establish the Center for Independent Living. The center's goal was to carry out much of what Ed had spent his life battling alone: helping to find and promote housing, transportation, and assistance for the disabled. His work caught the eye of Governor Jerry Brown, who appointed him the head of the State De-

partment of Rehabilitation. He held the position until 1982. During his tenure, Ed was tireless in promoting the rights of the disabled, and working to ensure that independent living was not merely a goal, but a need for the severely disabled.

In 1984, in recognition of his work, Ed received a \$225,000 MacArthur Foundation "Genius" Award. Using the grant, he, Judy Heumann, and Joan Leon established the World Institute on Disability, which has become the most influential policy and research center on people with disabilities. Indeed, the World Institute and Ed played a key role in helping passage of the landmark Americans with Disabilities Act.

Most recently, Ed and the World Institute have been profiled in a three-part series on people with disabilities and technology called "People in Motion." In addition, Ed has been working on a project to create work stations for people with disabilities that would allow them to own their own small businesses, such as espresso or vending carts. It was my privilege to work with Ed on this project with regard to the San Francisco International Airport.

Unfortunately, the world lost Ed Roberts on March 14, 1995. On Sunday, March 19th, a memorial service was held to honor Ed Roberts at the UC-Berkeley campus. I, along with countless others, was proud to call Ed Roberts my friend. He has been called, with little hyperbole, the "Ghandi of the disability rights movement." Comparisons, however, do not do justice to the spirit, the passion, which filled the soul of Ed Roberts. Perhaps Ed defined it best: after overhearing a doctor telling his mother that it would be better if he died from the polio because he would be left a vegetable, Ed immediately thought of the artichoke, which was prickly on the outside with a tender heart.

Mr. Speaker, on behalf of the Congress, allow me to express our condolences to his son, Lee, his mother, Vona, and brothers Mark and Ron. But, more importantly, we must continue our fight as a Nation for the rights of the disabled. It is only through our actions that we properly pay tribute to Ed Roberts' enduring legacy of good works and his tireless pursuit of justice on behalf of the disabled.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

SPEECH OF

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes:

Mr. COLEMAN. Mr. Chairman, I rise today in opposition to the rescissions contained in H.R. 1158. I oppose this measure for several reasons, primarily because of the detrimental effect it will have on our children.

No one suffers under this bill more than our children. They have been targeted to carry the

bulk of the cuts to pay for the tax cuts for our Nation's most affluent.

We are not cutting bureaucrats. We are denying children who have no control over their circumstances an opportunity to learn in safe, clean schools with a nutritious meal in their stomachs. We are denying children in low income families a warm bed.

This measure will have a negative impact on my home State and my district. For my colleagues, I would like to point out a number of programs vital to the productivity and welfare of Texans which will be slashed or eliminated by this bill.

Under this bill, Texas will lose over \$1 billion in funding. H.R. 1158 reduces the funding Texas would have received under formula allocations by half a million dollars. This measure cuts over \$162 million from housing modernization, operating subsidies, and section 8 vouchers funding for my State. Texas will lose \$20 million from Community Development Block Grants, \$30 million from the low-income home energy assistance program, and over \$170 million in job training and employment services programs. Texas children will lose over \$70 million in school programs.

Two cuts contained in this package will have a disparaging impact on residents of dilapidated, low-income housing. The reduction in payments for the operation of low-income housing projects and the elimination of funding for the Severely Distressed Public Housing Fund will result in a reduction of affordable housing for the residents of my district, where public housing is already at maximum capacity and 5000 families are on a waiting list for affordable housing. This cut will result in a loss of over 200 jobs in a region with unemployment over 9 percent.

The reduction in the payments for the operation of low-income housing projects will fall disproportionately on housing authorities. These housing authorities, which begin their fiscal year July 1 or October 1, could see their funding cut by as much as 50 percent. This reduction will mean a reduction in maintenance, security, and supportive services.

The Severely Distressed Public Housing fund is targeted to help those who live in some of our nation's most dilapidated and crime infested developments. The President had intended this last year of funding to assist communities with the worst public housing. This money is urgently needed. In many instances this money has already been obligated and contracts have been signed. Not funding this program in 1996 is one thing, renegeing on our commitments for 1995 is another. This will result in long and costly litigation over the cancellation of this commitment.

Under this measure, funding for three national parks in Texas will lose funding. The Chamizal National Memorial, Palo Alto National Battlefield, and the San Antonio Missions will lose funding. These parks preserve our unique multicultural heritage. Although, less known than the Yellowstone National Park or the Grand Canyon, they are no less important and serve to commemorate and preserve an unique part of our history, culture, or landscape. Under this proposal, programs to promote this aspect of our heritage will continue to be underfunded and neglected.

I provided the Rules Committee an opportunity to make in order an amendment to

eliminate funding for \$400 million in low-priority highway demonstration projects. My amendment, which would have cut real pork, was not made in order. Instead the Republicans chose to cut funding for programs such as Healthy Start, which is aimed at improving the health of unborn children, and to eliminate over 50,000 pregnant mothers and infants from the WIC program.

Remember this bill only provides an \$11 billion down payment. The Republican tax cuts will cost over \$700 billion. The majority felt compelled to cut programs for children and the elderly first. It scares me, as it should any parent, to consider where they will get the remaining \$690 billion.

Why are we doing this? So that big industry and the rich can be given a tax break that I doubt they want. I can not imagine any businessman that wants to see the next generation of high school graduates turn out to be an illiterate workforce of dropouts. I know I don't and my constituents don't.

I do not support the rescissions contained in this bill and I urge my colleagues to vote against it. I believe that it cuts the wrong programs—programs that hurt children, low-income Americans, and the elderly—for the wrong reasons.

HONORING MOLLY BROWN, 1995
REFUGEE VOLUNTEER OF THE
YEAR

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. PICKETT. Mr. Speaker, I take this opportunity to extend my sincerest congratulations to Ms. Molly P. Brown, a constituent of mine from Virginia Beach, VA, on being awarded the 1995 National Wildlife Refuge Volunteer of the Year Award.

The National Wildlife Refuge Association and the National Audubon Society have jointly established this annual award. Its purpose is to recognize the volunteer who best achieves the goals and objectives of the National Wildlife Refuge System [NWRS], which are superior organizational skills, innovation in handling refuge assignments, effectiveness in dealing with the public, and dependability. Ms. Brown's extensive service and long-standing commitment to the Back Bay National Wildlife Refuge located in Virginia Beach, VA, clearly are above and beyond the criteria that merit national recognition.

As an advocate of environmental consciousness, Ms. Brown has appeared regularly before the Virginia Beach City Council and the zoning board to testify on city and State proposals affecting the Refuge. As a member of the Mayor's Growth Management Advisory Committee, Ms. Brown has frequently provided valuable citizen comments and observations on the city's land use, transportation, and infrastructure plans and programs.

Realizing the need to promote an awareness not only of the Refuge's mission but of other conservation activities within the region as well, Ms. Brown worked to establish both the Southeastern Association for Virginia's Environment [SAVE], and the Friends of Back Bay/Save Our Sandbridge organization of which she currently serves as president. Offer-

ing her time and talent at local events such as Earth Day and the Environmental Awareness Fair for Students, Molly Brown serves as a true emissary of the conservation movement.

During the 103rd Congress, Molly Brown traveled to Washington, DC, to testify before the House Appropriations Subcommittee on Interior concerning the need for additional funding for Back Bay. Ms. Brown provided the Subcommittee with extensive information regarding the Refuge's plans to expand its boundaries and improve its natural habitat. The Back Bay land acquisition was one of only 33 projects funded nationwide in the Department of Interior Appropriations Act of 1994, attesting to the value of Ms. Brown's knowledgeable and articulate testimony.

It is with pleasure and honor that I join the other citizens of the Second Congressional District of Virginia in thanking and commending Molly Brown for her successful efforts in promoting awareness and appreciation of our area's natural resources, for her continuing efforts to obtain essential funding and Congressional support for Back Bay National Wildlife Refuge, and for her boundless enthusiasm for the Refuge system as a whole. She is a most deserving recipient of the 1995 National Wildlife Refuge Volunteer of the Year Award.

EMERGENCY SUPPLEMENTAL AP-
PROPRIATIONS FOR ADDITIONAL
DISASTER ASSISTANCE AND RE-
SCISSIONS FOR FISCAL YEAR
1995

SPEECH OF

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes:

Mr. ORTON. Mr. Chairman, I am taking this opportunity to explain my vote against the rescissions and supplemental spending bill which passed the House last week.

On Wednesday night, I was pleased to vote for the "lockbox" amendment offered by Representative BREWSTER. I have been involved from the beginning in the development of this provision, which ensures that spending reductions are strictly dedicated to deficit reduction, and not simply reallocated to other spending programs or used to finance tax cuts. The lockbox amendment, approved by a 418 to 5 vote of the House, clearly stated that spending would be reduced by some \$55 billion over the next 5 years, and that all of these cuts could only be used to reduce the deficit.

Based on this amendment, and the resulting deficit reduction, I was prepared to vote for final passage of this bill. However, just prior to a final vote on the rescissions bill, the Budget Committee held a markup of legislation to lower spending caps for the next 5 years. At this markup, the Budget Committee chairman announced that he planned to use all of the savings in fiscal years 1996 through 2000 from the rescissions bill to finance the Republican tax cuts. He also announced that the lockbox provisions which would prevent this

maneuver would be stripped from the bill prior to a conference report.

Without ascribing motivations or analyzing negotiations that took place, the effect was that the approximately \$55 billion in outyear savings in the rescissions bill would not end up reducing the deficit by even a single dollar.

This made the bill unacceptable to me. Many of the cuts in this bill will be painful, especially in the areas of education, elderly housing, and children's programs. I could not in good conscience vote for these cuts, without assurance from leadership that they would honor the provisions of the lockbox amendment. So, reluctantly, I voted against final passage.

In addition, I must say that this decision was not made any easier by the unfair, highly restrictive way in which the bill was brought to the floor. Last week I explained in detail how this rule effectively protected 80 percent of the discretionary budget from budget cuts.

I also explained how the rule made it almost impossible to restore funds for good programs through cuts in bad or wasteful programs. I was prepared to support additional spending cuts in other parts of the budget to restore cuts that I believe were unfair or unwarranted. I would like to take this opportunity to identify those cuts I opposed.

The rescissions bill makes significant and unwise cuts in programs that promote opportunities. Cuts in impact aid and national service will hurt our education efforts. Cuts in foster care and grants for drug-free schools will have a negative effect on our children. And, cuts in information infrastructure grants will slow our efforts to develop and expand opportunities on the Information Superhighway. All of these are high priority areas.

I also oppose the excessive level of cuts for the Corporation for Public Broadcasting. While I could support modest cuts in the CPB, the bill makes 30 percent cuts in fiscal year 1997 funding, on a path to terminating Federal support. These cuts will have a significant negative effect on public broadcasting, especially for rural areas.

Finally, the bill makes excessive cuts in housing and community development programs. Cuts which I believe should have been rejected or scaled back include public housing modernization, community development block grants [CDBG's] drug elimination funds, and public housing operating subsidies.

Especially unfair is the cut of \$404 million in operating subsidies for public housing authorities. It is fundamentally unfair to have agencies plan on receiving certain funding levels, and then make significant cuts in the middle of the year. Furthermore, the way these cuts are being implemented is especially unfair. PHA's with a fiscal year starting in July 1 will bear a disproportionate portion of the cuts, while those with an earlier fiscal year will be largely spared. I could not support this.

Again, I want to make it clear that I was prepared to support offsetting cuts to restore these important programs. I was also prepared to vote for additional cuts beyond those proposed by the committee—if the rule hadn't prevented this.

For example, I planned on offering an amendment with Rep. KLUG to zero out funding for the Appalachian Regional Commission. However, because of the short time limits placed on debate of this bill, we did not have

the opportunity to vote on terminating this program. As a result, the chance to cut the deficit by another \$100 million was ruled out by this arbitrary rule.

There are many other areas where we could look to make cuts. For example, I am a strong defender of national defense, and especially readiness. However, the rule precluded amendments to cut unneeded and expensive weapons systems. We should also do more to consolidate programs and eliminate redundancies. For example, we should abolish the Interstate Commerce Commission.

Finally, there are programs where I feel we are simply spending too much. For example, in foreign aid, we should cut back on some of the AID programs, eliminate redundant broadcast programs, and reexamine our foreign military and economic assistance programs. In agriculture, we should cut back on programs which provide excessive crop subsidies. And we can do more to cut spending in the legislative branch.

Last week, the House Budget Committee voted to extend and lower the discretionary spending caps for the next 5 fiscal years. Spending bills for fiscal years 1996 and beyond will have even greater levels of cuts than those made in the rescissions bill. Like many other members of the House, I am ready to support such cuts.

However, I hope that the process to consider such cuts will be more fair and more rational than the one we used last week. We must have unlimited opportunities to make further spending cuts, and to change spending priorities, within predetermined spending limits. This can only be done through open rules on appropriations bills.

Therefore, within the next few weeks, I will be introducing a House resolution calling for open rules for all spending bills brought to the House floor in the 104th Congress. I urge my colleagues to join me in cosponsoring this resolution, and in voting against any restrictive rules in the consideration of future spending bills.

NATIONAL RIGHT TO WORK ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. GOODLATTE. Mr. Speaker, I rise to proudly introduce the National Right to Work Act.

This act reduces Federal power over the American workplace by removing those provisions of Federal law authorizing the collection of forced union dues as a part of a collective bargaining contract.

Since the Wagner Act of 1935 made forced union dues a keystone of Federal labor law, millions of American workers have been forced to pay for union representation that they neither choose nor desire.

The primary beneficiaries of right to work are America's workers—even those who voluntarily choose to pay union dues, because when union officials are deprived of the forced dues power granted them under current Federal law they'll be more responsive to the workers' needs and concerns.

Mr. Speaker, this act is proworker, proeconomic growth, and profreedom.

The 21 States with right to work laws, including my own State of Virginia, have a nearly three-to-one advantage over non-right to work States in terms of job creation.

And, according to U.S. News & World Report, 7 of the strongest 10 State economies in the Nation have right to work laws.

Workers who have the freedom to choose whether or not to join a union have a higher standard of living than their counterparts in non-right to work States. According to Dr. James Bennett, an economist with the highly respected Economics Department at George Mason University, on average, urban families in right to work States have approximately \$2,852 more annual purchasing power than urban families in non-right to work States when the lower taxes, housing and food costs of right to work States are taken into consideration.

The National Right to Work Act would make the economic benefits of voluntary unionism a reality for all Americans.

But this bill is about more than economics, it's about freedom.

Compelling a man or woman to pay fees to a union in order to work violates the very principle of individual liberty upon which this Nation was founded.

Oftentimes forced dues are used to support causes the worker does not wish to support with his or her hard-earned wage.

Thomas Jefferson said it best:

... to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

By passing the National Right to Work Act, this Congress will take a major step towards restoring the freedom of America's workers to choose the form of workplace representation that best suits their needs.

In a free society, the decision of whether or not to join or support a union should be made by a worker, not a union official, not an employer, and certainly not the U.S. Congress.

The National Right to Work Act reduces Federal power over America's labor markets, promotes economic growth and a higher standard of living, and enhances freedom.

No wonder, according to a poll by the respected Marketing Research Institute, 77 percent of Americans support right to work, and over 50 percent of union households believe workers should have the right to choose whether or not to join or pay dues to a labor union.

No other piece of legislation before this Congress will benefit this Nation as much as the National Right to Work Act.

I urge my colleagues to quickly pass the National Right to Work Act and free millions of American from forced dues tyranny.

PROF. HERBERT BISHOP KELLER,
70TH BIRTHDAY CELEBRATION

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MOORHEAD. Mr. Speaker, on June 19 of this year, Dr. Herbert Bishop Keller will be 70 years old. Dr. Keller is professor of applied mathematics at the California Institute of Technology. His fundamental contributions to the

field of numerical analysis have played a crucial role in the advancement of science and engineering in this century.

For example, Dr. Keller developed many of the methods which scientists and engineers have used for years to solve complex problems with computers. These include the box scheme for solving boundary layer problems in the aircraft industry; the method of multiple shooting, to solve ordinary differential equations; and the path-following methods, for solving bifurcation problems in all fields of science.

He is the coauthor, with Eugene Isaacson, of the text "Analysis of Numerical Methods," which is a classic in the field and has been studied by generations of students. He is also the author of two monographs on the solution of two-point boundary-value problems, and of hundreds of research articles.

Dr. Keller was born in Paterson, NJ. He served in the U.S. Navy during World War II as a lieutenant junior grade. He obtained a bachelor's degree in electronics from the Georgia Institute of Technology in 1945. He received an M.S. in mathematics from New York University in 1948 and his Ph.D. from the same institution in 1954. Concurrently, he was in charge of the math department at Sarah Lawrence College.

In 1961 after a rapid ascent through the ranks, Dr. Keller became professor of applied mathematics at the Courant Institute of Mathematical Sciences at New York University. During this time, he also served as associate director of the Atomic Energy Commission Computing and Applied Mathematics Center, which was located at New York University.

In 1967, Dr. Keller joined the finest institution of higher learning in the world when he became a professor of applied mathematics at the California Institute of Technology, a position he holds to this day. Currently, he is director of the Caltech branch of the Center for Research on Parallel Computing, an endeavor sponsored by the National Science Foundation.

Professor Keller was extraordinarily active as a member of many scientific societies. In 1975-76, he served as president of the Society for Industrial and Applied Mathematics, the world's leading society of applied mathematicians. He also served on 6 national committees and held editorial positions on 12 leading scientific journals.

The scientific community has expressed its admiration for Professor Keller by bestowing upon him some of its most prestigious awards. He is a Fellow of the American Academy of Arts and Sciences, a fellow of the American Association for Arts and Sciences, and he was a Guggenheim fellow. Recently, he was the distinguished visiting fellow at Christ's College, University of Cambridge, United Kingdom. The Society for Industrial and Applied Mathematics awarded him the von Karman prize in 1994.

Mr. Speaker, the scientific legacy of Professor Keller is ensured through his own work, through the work of the 28 students who earned their Ph.D. degrees under his supervision, as well as through the hundreds of graduate and undergraduate students whom he has taught throughout the years.

Today, I would like my colleagues in the U.S. House of Representatives to join with me and the scientific community in expressing our thanks and gratitude to Professor Keller for his

leadership, his example, and his many contributions, and to wish him a very happy birthday.

REVIEWING THE TRAVEL BAN ON LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. HAMILTON. Mr. Speaker, the Secretary of State decided on February 28 to renew the ban on the use of U.S. passports to travel to Lebanon. This decision followed United States-Lebanese security discussions in Washington earlier last month. While the State Department acknowledges that the security situation in Lebanon has improved in the past few years, it maintains that there continue to be significant threats to the security of American citizens in that country.

I have recently spoken to several prominent Lebanese Americans who have visited Lebanon. They are very persuasive in arguing that the current travel ban impedes their legal ability to visit their families. I also believe that American businesses are losing the opportunity to compete for contracts to rebuild Lebanon. I have urged the Secretary of State to review the travel ban and to consider options for revising it in light of the changing conditions inside Lebanon.

Given the importance of this matter for the Lebanese-American community, I request that my exchange of letters with the Department of State be entered into the CONGRESSIONAL RECORD.

COMMITTEE ON INTERNATIONAL
RELATIONS,

Washington, DC, February 16, 1995.

Hon. WARREN H. CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: It is my understanding that the Department of State is currently reviewing the travel ban on Lebanon because the current six-month extension of the ban expires later this month.

I urge the Department to review the present total ban carefully and consider options to revise the ban and take steps in the direction of a combination of partial ban and partial travel advisory.

I am persuaded that Lebanon has taken a series of steps to improve security in the country. I also believe that further steps are needed. In this situation, however, I believe it is in our national interest and in the interest of encouraging further steps by Lebanon to take steps ourselves to match action by Lebanon.

The report by several prominent Lebanese Americans on their trip to the country as well as the recent visit here by a Lebanese Security delegation suggest changes are warranted. American businesses are currently locked out of many reconstruction efforts in the country and Lebanese Americans are legally unable to travel to Lebanon for family reunification purposes.

I appreciate your consideration of this matter and I am available if you want to discuss this matter further.

With best regards,

Sincerely,

LEE H. HAMILTON
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC 20520.

Hon. LEE H. HAMILTON,
House of Representatives, Washington, DC.

DEAR MR. HAMILTON: I am responding to your letter of February 16 to Secretary Christopher regarding the restrictions on travel to Lebanon by U.S. citizens.

On February 28, Secretary Christopher exercised his authority to extend the restriction on the use of U.S. passports for travel to, in, or through Lebanon. A careful and thorough review of the security situation in Lebanon led the Secretary to conclude that there remained significant threats there to the safety of American citizens.

In meetings here in Washington February 6-7, the Governments of the U.S. and Lebanon engaged in frank and useful discussions of the security situation in Lebanon and our continuing concern for the safety of Americans in Lebanon. We were pleased with the level of expertise the Government of Lebanon brought to these discussions and its avowed commitment to serious and effective action. We expect this dialogue to be an ongoing process leading to significant improvement in the security situation in Lebanon and a reduction in the dangers to American citizens.

We have acknowledged that there has been some improvement in Lebanon's security situation over the past few years. We commend the Lebanese Government for its efforts to diminish terrorist threats and to establish the role of law throughout the country. More needs to be done to address these problems, however, and we look forward to working with the Government of Lebanon on taking the necessary steps to do so.

We will continue to review the passport restriction and other administration measures affecting travel to Lebanon. Our review will be based on a careful evaluation of our own information and the steps the Lebanese government takes to address these issues.

The Department will carefully consider options short of lifting the passport restrictions. In considering these steps, however, the Department will have as its first consideration the safety and security of U.S. citizens.

The Secretary appreciates both your interest and your offer to continue a dialogue with the Department on this issue. The goal remains the removal of these restrictions when security conditions permit us to do so and the return to a mutually beneficial and improved bilateral relationship.

I trust that this information has been responsive to your inquiry. Please do not hesitate to contact us if you believe we may be of further assistance.

Sincerely,

WENDY R. SHERMAN,
*Assistant Secretary,
Legislative Affairs.*

RISK ASSESSMENT AND COST-BENEFIT ACT OF 1995

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 27, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consider-

ation of costs and benefits in major rules, and for other purposes:

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to H.R. 1022, the Risk Assessment and Cost Benefit Act.

H.R. 1022 is not a regulatory reform bill as the new Republican leadership claims. It is an attempt by supporters of the Contract On America to destroy environmental protections which the American people fought for long and hard. Landmark environmental legislation such as the Clean Air Act, the Clean Water Act, and the endangered Species Act will be superseded by H.R. 1022, leaving our air, water, and wildlife unprotected.

Under H.R. 1022, 12 Federal agencies including the Environmental Protection Agency, the Energy Department, and the Interior Department will be required to follow a single set of new, government-wide principles for risk assessment activities in order to carry out their regulatory responsibilities. This one-size-fits-all approach to risk assessments will prevent Federal officials from developing sound public policy. Instead, H.R. 1022 will lead to long delays of important environmental protection programs, and more red tape.

Mr. Chairman, this bill will impact not only our nation's environment, but our nation's taxpayers as well. The Congressional Budget Office estimated that risk assessment proposals similar to H.R. 1022 would cost affected federal agencies \$250 million annually. H.R. 1022 does not contain provisions to offset the bill's potential costs. Therefore, it will result in increasing the deficit or cutting desperately needed funds for education and other social programs.

Mr. Chairman, it seems that lawyers are the only ones who benefit from H.R. 1022. The bill opens up numerous new pathways for litigation, and it gives lawyers interested in holding up valuable environmental regulations a powerful new tool to prolong agency actions.

Mr. Chairman, I urge my colleagues to oppose the Republican leadership's efforts to hamper the government's ability to protect the environment. Vote no on H.R. 1022. Thank you.

ED ROBERTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MILLER of California. Mr. Speaker, I rise today to sadly note the passing of one of the great people of our time, Ed Roberts, the former secretary of rehabilitation of the State of California, the cofounder of the Center for Independent Living, and the founder of the World Disability Institute.

I knew, admired, and worked closely with Ed Roberts throughout my entire adult life, in Sacramento, and as a Member of the House of Representatives. Ed was as dedicated, insightful, determined, and skilled as any person I have ever met in public life, and his singular contributions to the disabled community throughout America is, simply stated, unparalleled.

Ed deeply understood the need for the law, and for government, to defend the rights of those who had neither power nor influence. And he forced dramatic changes that broke

the barriers for millions of disabled men, women, and children.

I wish to submit for the RECORD the following editorial from the San Francisco Chronicle paying tribute to this great American, and good friend.

[From the San Francisco Chronicle, Mar. 18, 1995]

THE TRANSCENDENT LIFE OF EDWARD ROBERTS

"What I want and a lot of other disabled people want is to live, to experience, to be a part of society. And that's nothing extraordinary. So when we do things and do become successful, it doesn't make us different from any other successful person."

Even though it was not what he was seeking, Edward Roberts died a hero at age 56 this week, having lived up to such admiring sobriquets as "the Gandhi of disability rights" and "the Cesar Chavez for the handicapped."

A budding athlete who became a paraplegic at age 14 from polio, Roberts was an in-your-face kind of guy because society gave him no other choice. When his principal balked at graduating Roberts from high school because the teenager hadn't completed required physical education courses, Roberts fought the decision with such vigor that the principal was forced to relent.

When a counselor at the state Department of Rehabilitation sided with the University of California in denying Roberts admittance to Berkeley because the school had never had a wheelchair-confined student who required a respirator and iron lung, Roberts argued until he was enrolled. He lived at Cowell Hospital and later organized successfully for dormitory housing for disabled students.

He co-founded the Center for Independent Living at Berkeley, which promoted the idea of integrating disabled people into the mainstream and making available to the disabled such essentials as housing, transportation and wheelchair-accessible ramps and curbs. The establishment of 400 similar centers nationwide followed.

Roberts' longtime work received official affirmation when Governor Jerry Brown appointed Roberts to head the California Department of Rehabilitation in 1975. He was a familiar sight in Sacramento in his motorized wheelchair, and his presence alone helped many lawmakers understand for the first time the needs of people who desperately seek independence—despite not being able to use either arms or legs—and yet are constantly stymied by thoughtless policies.

In 1984, Roberts received \$225,000 in a MacArthur Foundation "genius" award for his work with the disabled, and he created the World Institute on Disability, an Oakland-based think tank on disability issues with a \$3.3 million budget.

Roberts' life was not only heroic, because of the many personal obstacles he overcame, but in the end, transcendent, because of the way he helped transform the way we think about and act toward disabled people.

"As an international leader and educator in the independent living and disability rights movements, he fought throughout his life to enable all persons with disabilities to fully participate in mainstream society," said President Clinton. "Mr. Roberts was truly a pioneer . . . His vision and ability to bring people together should be an example for all Americans."

A memorial service will be held at 1:30 p.m. tomorrow at Harmon Gymnasium on the UC Berkeley campus. Memorial endowments have been set up for Roberts' son, Lee, and for the institute. Contributions may be sent to the institute at 510 16th Street, Oakland, CA 94612.

THE INNOCENT LANDOWNER DEFENSE ACT OF 1995

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, the purpose of the Innocent Landowner Defense Act is to clarify what is required by "all appropriate inquiry into the previous ownerships and uses of the property" as contained in the 1986 Superfund Amendments Reauthorization Act (SARA) to Superfund.

The 1986 SARA amendments included several exemptions for the liability of site clean-up—an important one being the innocent landowners defense provision. This provision allows for an exemption of liability to a landowner who has not contributed to the contamination of a site and has made all appropriate inquiry into the previous uses of the property.

The intent of the innocent landowner defense was to encourage the uncovering of contaminated sites which could then be cleaned up. It was meant as a narrow exception to protect those considering the acquisition of land from future liability. Unfortunately, the definition of all appropriate inquiry was never made clear in the SARA legislation, resulting in confusion as to the requirement for assessing a site for contamination. This lack of clarification has left the land purchaser with a dilemma. Even the most expensive and extensive site assessments may not prevent the landowner from later being held liable for contamination.

The Innocent Landowner's Defense Act is designed to define what is meant by "all appropriate inquiry," putting an end to the confusion and allowing landowners to protect themselves from liability. Specifically, this legislation calls for a phase I environmental audit—an investigation of the property conducted by an environmental professional—defined in the legislation to discover the presence of hazardous substances through the following sources: (1) chain of title documents for the past 50 years; (2) available aerial photographs of the property; (3) Superfund liens against the property; (4) Federal, State, and local government records of activities causing release of hazardous substances; and (5) a visual site inspection of the property. If these criteria are met, an individual would be recognized as having conducted all appropriate inquiry.

This legislation in no way changes the liability scheme of Superfund. It is a clarifying correction which enables courts and potential landowners to determine exactly what is needed to fulfill all appropriate inquiry requirements. Not only will this legislation clear up a very confusing situation, but it will restore the original intent of the innocent landowner defense—it will encourage the testing of sites for contamination, increasing the likelihood that contaminated sites will be found and cleaned up.

This legislation provides the guidance crucial to assessing the risk associated with hazardous waste sites. It would allow for the realization of the original goals of the Superfund legislation, while leaving the original statute unchanged in terms of liability.

PERSONAL EXPLANATION

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. COBURN. Mr. Speaker, due to travel delays on Tuesday, March 14, I unavoidably missed several votes. Had I been present, I would have voted "aye" on the passage of the following bills: H.R. 531, H.R. 694, H.R. 562, H.R. 536, and H.R. 517.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes:

Ms. PELOSI. Mr. Chairman, I rise today to express my opposition to the Republican rescissions bill before us. With this bill, the Republicans end the war on poverty and declare war on the poor, instead. I am saddened that my Republican colleagues have turned their energy, their fervor and their fury toward attacking the most vulnerable among us. I note with particular concern the impact of the proposed funding cuts on housing programs designed to help the neediest and the most vulnerable in our society, children, the elderly, the disabled, and people with AIDS.

More than 40 percent of the cuts in this bill come from low-income housing programs. The \$7.2 billion in Department of Housing and Urban Development [HUD] cuts equals 1/4 of HUD's total budget. HUD estimates that the rescissions will affect 530,000 elderly households and 630,000 families with children. The complete elimination of the Housing Opportunities for People with AIDS [HOPWA] program will deprive at least 50,000 people with AIDS and their families of much-needed housing assistance. Public housing takes a direct hit. Efforts to improve public housing facilities and in some localities, to demolish unfit buildings and replace them, will be stopped dead in their tracks.

The cuts in the low income housing preservation program will result in the displacement of countless low income families from affordable housing. Estimates of the impact of losing preservation funds range from a low of 27,000 families losing their apartments to a high of 75,000. In most of the affected communities, there is no other housing available for these families. The affordable housing stock is disappearing at an alarming rate and these cuts will only hasten the process. Where are these people supposed to live?

At the same time that these important programs are being cut, the Republicans are also cutting incremental rental assistance, the Section 8 Program. The funds the Republicans

are taking away would have provided 67,000 more families with housing certificates and vouchers. For the first time in the more than 20 years of this program, there will be no incremental funding of tenant-based rental assistance—a program which is widely acknowledged by conservative analysts to be HUD's most cost-effective one.

Mr. Chairman, the list of important and innovative housing programs to be cut by this legislation goes on and on and time prevents me from listing all of them. I wish to note for the record, however, my opposition to Republican cuts of \$90 million in the lead-based paint program; \$350 million in pension fund rental assistance; and \$38 million in the Youthbuild Program, which not only increases affordable housing, but also provides job training and skills for lower income Americans.

I am also opposed to the \$350 million cut in the Community Development Block Grant [CDBG] Program. CDBG funds allow community-based organizations to provide a wide range of services in their communities. Why, at a time when we are trying to promote community control are we tying the hands of communities trying to meet community needs?

What is the response of my Republican colleagues to our concerns about the impact of these draconian cuts? They say we simply cannot afford to provide housing for needy Americans. I say we simply cannot afford not to provide this housing.

This bill cuts funding which has already been voted on by Congress and signed into law by President Clinton. In many cases, communities and housing providers across the country struggling with trying to meet ever-growing needs with limited funds, will lose money for community development and for housing which is part of a community plan and which is already underway. Where progress is being made, it will be stopped. Would that halting progress is the only consequence under the Republican plan. Unfortunately, the bill before us today takes giant steps backwards in the fight against homelessness.

If we have learned anything about homelessness over the course of the past decade, it is that it costs less to keep people in affordable housing than it does to help homeless people with the transition back to being fully-functioning members of our society. The Republican cuts in our national housing programs are not only inhumane and cruel, but they are also inefficient and costly. While the Republican leadership trumpets the saving they propose today, they are covering up the costs their cuts will create tomorrow. I urge my colleagues to oppose this misguided and cruel bill.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RE-SCISSIONS FOR FISCAL YEAR 1995

SPEECH OF

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes:

Mr. BARR. Mr. Chairman, I rise to engage the gentleman from California [Mr. LEWIS], who chairs the subcommittee dealing with HUD, in a colloquy if he is willing.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BARR. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would be very pleased to do so.

Mr. BARR. Mr. Chairman, many communities throughout the State of Georgia, including those within my own district, have raised a concern regarding the proposed reduction of \$349 million in community development block grants. I am informed that the cut amounts to as much as an 8 percent reduction from what has already been publicly announced and communicated to them.

Mr. LEWIS of California. The gentleman is correct. Many local communities have been notified of their fiscal year 1995 allocations and have initiated community meetings to plan for the release of CDBG money for the wide variety of eligible purposes.

Mr. BARR. So can we expect the committee to help us make a determination of how to assure these communities that they will receive what they were previously promised?

Mr. LEWIS of California. The report accompanying this bill directs OMB to cause the affected agencies, including HUD, to stop obligating funds proposed for rescission. I am very concerned that HUD in particular has attempted to move funds out the door as soon as they suspected they were rescission candidates. If we can get OMB to put the brakes on, I am sure that we can make a factual determination of how much of the proposed cut should be restored in order to keep faith with the local planning that has naturally progressed prior to the full committee's action late last week. And I am more than willing to do so in conference if HUD and OMB step up to the plate on this.

Mr. BARR. I appreciate knowing that you have the same understanding I do regarding the dilemma faced by my communities in Georgia. They will be very pleased to know that we are working on a solution.

Mr. LEWIS of California. Mr. Chairman, I commend the gentleman from Georgia [Mr. BARR] for his efforts.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RE-SCISSIONS FOR FISCAL YEAR 1995

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes:

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Crane amendment which would increase the cuts in funding for the corporation for public broadcasting.

Mr. Chairman, I have received hundreds of letters from my constituents, in the sixth Congressional District of California, opposing the republican leadership's attacks on the CPB. These attacks will hurt our local PBS stations, KRCB and KQED, which are an important source of educational and cultural programming for adults and children in my district.

KCRB and KQED have helped thousands of adults get their high school degree and pass college level courses. Workers on farms in isolated areas; welfare mothers striving to become self-sufficient; and individuals seeking to improve their job skills have benefitted from the educational programming offered by KRCB and KQED.

Mr. Chairman, no commercial stations are offering these much-needed educational services!

In addition, KRCB, KQED and other PBS stations are home to valuable programming for our children. As a mother of four, I remember how difficult it was to find entertaining and educational programs for my children. I often relied on my local PBS station as do many parents who do not want their children watching the increasingly violent adult programs which are prevalent on commercial television stations.

For the price of one dollar per person, the corporation for public broadcasting ensures that every American household, rich or poor, urban or rural, has access to a wide range of educational and cultural programming.

Mr. Chairman, this is a small price to pay for the valuable services provided by PBS stations throughout the Nation.

I urge my colleagues to vote "no" on the Crane amendment.

THE SYMBOL OF OUR NATION

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. BEVILL. Mr. Speaker, I rise today to celebrate the introduction of historic legislation that will finally give the American flag the recognition it deserves as a symbol of our Nation.

As many as 235 Members of the House have co-sponsored this bill to amend the U.S.

Constitution to allow States to pass laws outlawing abuse of our flag. We are proud of the American flag and we want to protect it.

The issue of flag desecration has been with us for too long. As you know, in 1984, a protester at the Republican National Convention in Houston was arrested for burning the flag which was against the law in Texas. Five years later the Supreme Court struck down the Texas law and the offender was acquitted. In 1990, Congress passed a bill to remedy this situation, but it too was struck down as unconstitutional. So now our only choice is to pass this legislation, amend the U.S. Constitution and allow the States to pass their own laws to correct this problem.

As a veteran, I feel particularly strong about this proposal. Many men and women throughout our Nation's history have sacrificed their lives so that we could enjoy the freedoms we now have. The flag is a symbol of this country and a tribute to those who have protected our Nation through the years. To allow individuals to desecrate this symbol for petty purposes is to cheapen the country for which it stands. I find it extremely offensive that laws cannot be passed by States to prohibit this kind of behavior.

This bill is not meant to restrict the first amendment rights guaranteed to all Americans. I strongly believe that individuals and groups must be able to speak their minds on issues that concern them. But that does not mean burning the flag. I feel flag desecration goes beyond freedom of expression. It is an abuse of the U.S. Constitution and the freedoms that great document provides.

Our proposal is not a heavy-handed Government mandate. We want to give States the ability to pass the laws they deem necessary. Forty-six States have already passed resolutions which outlaw the desecration of the flag. Alabama joined these ranks in 1991. I think it is time for Congress to take the initiative to correct this situation once and for all. I urge my colleagues to pass this legislation and start the process for adding this historic amendment to the U.S. Constitution.

PROVIDING FOR CONSIDERATION OF H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mrs. THURMAN. Mr. Speaker, last month, the Appropriations Committee met to consider offsets to pay for a \$5.6 billion supplemental spending for the California earthquake relief. The committee cut more than \$17.3 billion, including \$208 million for six veterans health clinics and other medical equipment. One of the clinics targeted for elimination is in my district of Gainesville, FL. Mr. Speaker, the immediate question that comes to mind is: To what will the remaining \$12 billion rescinded from the appropriations bills be applied? Many theories have been advanced, but most of them certainly indicate that vital programs for children, the elderly, and other vulnerable citi-

zens are being cut simply to provide tax breaks for the rich.

I came to the floor today hoping to offer an amendment that would restore the \$208 million rescinded from the veterans' health care budget, but because of the restrictive nature of this rule my amendment would be out of order.

My amendment would have targeted six actual pork projects and cut down on wasteful Government spending, while protecting the security of veterans who in many cases have risked their lives in defense of this Nation. The six projects targeted in my amendment included unauthorized courthouses and a Tokamak Reactor Energy Program which would cost taxpayers \$2.2 billion in the coming years.

The six outpatient clinics that would have been restored by my amendment are a critical part of the VA's plan to move from delivering costly inpatient care to delivering cost-effective outpatient care. According to the VA officials in my district in Gainesville, existing space deficiencies currently prevent the medical center from offering care in a timely manner. These projects would provide better health care to more veterans at less cost to the taxpayer.

Mr. Speaker, it is clear that the Committee on Rules is not protecting the security of our vulnerable citizens. They are not interested in going after the real pork. The rule they have set provides for only further rescissions in what the Appropriations Committee considers pork, and not what the average American knows is pork and Government waste. Furthermore, they are denying Democratic Members the opportunity to offer amendments that would get the job done. Mr. Speaker, this issue really comes down to a matter of priorities: Are we going to forsake the many men and women who have risked their lives in defense of this Nation, simply to provide tax subsidies for the rich? I for one, will not retreat on the promise we have made our veterans, and I urge my colleagues to stand firm and oppose this gag rule.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

SPEECH OF

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes:

Mr. EWING. Mr. Chairman, I rise today in support of H.R. 1158 and H.R. 1159 and to commend Chairman LIVINGSTON and the Appropriations Committee for all their hard work on these two supplemental appropriations bills. It is truly a new era when the Appropriations Committee demands that supplemental appropriations bills, emergency or otherwise, be paid for with offsetting spending cuts.

No doubt, each Member of this body would like to change certain provisions of these bills, but these rescissions are applied in a balanced and fair manner. Furthermore, H.R. 1159 recommends several important policy corrections.

I am particularly pleased the committee included language that allows HUD to waive the one-for-one public housing replacement requirement when public housing is no longer habitable and in need of demolition. This has been an ongoing problem in my congressional district.

The city of Danville, IL has been trying to receive approval to demolish the decaying and vacant Carver Park housing project for some time. Despite unanimous public support for the project's demolition and orders from the city government, Federal law has prevented the demolition of this dangerous and environmentally hazardous property.

I am also pleased the committee has taken action to prevent President Clinton from enforcing his Executive order prohibiting companies from permanently replacing striking workers. Our Nation's present labor negotiation system is balanced and fair for both labor and management. Each side faces consequences for their actions which serve as an incentive to bargain in good faith. The President's Executive order would alter the current balance.

Last, the President's Executive order is an effort to usurp congressional authority and should be overturned by this Congress. Major changes to our Nation's labor law should not be instituted without congressional approval.

Again, I thank the committee for acting to restore balance to our Nation's labor law and I urge my colleagues to support H.R. 1158 and H.R. 1159.

COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes:

Mr. DINGELL. Mr. Chairman, on March 10, the House passed H.R. 956, the so-called Common Sense Product Liability and Legal Reform Act of 1995. Unfortunately, the final bill distinguishes itself by not having enough to do with product liability reform and having very little to do with common sense. The bill is an extreme measure that makes sweeping changes in the Nation's legal system that go far beyond the scope of fair and balanced product liability reform. It protects wrongdoers at the expense of injured individuals. It excludes procedural safeguards designed to put U.S. companies on a more equal footing with foreign corporations. It creates extreme and rigid rules that fail to account for circumstances involving gross misconduct or severe and permanent injuries. It fails to simplify current law and creates a complex and confusing jurisdictional puzzle.

BACKGROUND AND COMMITTEE CONSIDERATION

I have long supported product liability reform legislation. In 1988, I presided over the infamous "Torts Class From Hell," when the Committee on Energy and Commerce spent 10 days in markup before reporting H.R. 1115.¹ Since then, I have cosponsored major bills in the area and worked with Republicans and Democrats alike to enact effect and well-crafted legislation.

This year's legislation was not the result of meaningful bipartisan efforts. It was forced through the committees and the House at breakneck speed. H.R. 917 was introduced by Chairman OXLEY on February 13, 1995. It was the subject of one hearing.² No subcommittee markup was held. We were given 3 different substitute amendments in as many days prior to the markup on February 22. In *Additional Views* to the committee report, I cite examples of mistakes, defects, and inconsistencies found during this process.³ These problems largely were the result of the severe timetable dictated by the Republican leadership. Given proper time and consultation with all Members, the Committee could have produced a better bill supported by a more significant bipartisan majority of the Committee.

H.R. 917, as reported, imposed more restrictions on product liability actions than previous bills, such as the bipartisan bill I cosponsored in the last Congress, H.R. 1910.⁴ Punitive damages were capped at the greater of \$250,000 or 3 times economic damages, whereas H.R. 1910 had no cap. It set a 15-year statute of repose applicable to all products, whereas H.R. 1910 had a 25-year statute limited to capital goods. It voided joint liability for noneconomic damages for all defendants, whereas provisions in H.R. 1910 applies solely to product manufacturers and sellers. It added new provisions that were not in H.R. 1910, including a section on pleading requirements and a narrow special interest provision to benefit biomaterials suppliers.

Despite misgivings, I voted to report the Committee bill. I did so because its core was consistent with bills I previously supported and because assurances were made that its shortcomings would be addressed when the bill reached the floor. But before the ink on the committee bill was dry, Chairmen HYDE and BLILEY introduced yet another bill, H.R. 1075. Apart from deleting the so-called FDA defense, its product liability provisions were similar to those in H.R. 917. But other provisions went far beyond product liability reform, including Title II applying to punitive damages "in any civil action for harm in any Federal or State court." This expansion of the bill was motivated by two interests: (1) to protect wrongdoers from punitive damages in nearly all civil cases, and (2) to open up the bill so that amendments unrelated to product liability reform would be germane on the floor.

FLOOR CONSIDERATION

The Republican leadership decided to muzzle meaningful debate long before any formal rule was adopted. Within moments after H.R. 1075 was introduced on February 28, Chairman SOLOMON announced that: the Rules Committee intended to make H.R. 1075 in order as a substitute for H.R. 956⁵; amendments to the bill should be submitted by March 3; and the Rules Committee intended "to grant a rule which may restrict amend-

ments for the consideration of H.R. 956."⁶ After its March 7 hearing to consider 81 amendments filed by the announced deadline,⁷ the Rules Committee voted to report a gag rule.⁸ The Committee made 15 amendments in order, allocated severe time limits for each, and prohibited amendments to the specified amendments. They chose to reject many moderate amendments, including those that had bipartisan support and would have undoubtedly passed. They refused to make in order amendments concerning the bill's preemptive effect on State laws, denying debate on one of the most important aspects of the bill. They made in order extreme Republican amendments applying to matters beyond the scope of product liability reform that have not been the subject of any hearings or consideration by any committee during this Congress.

The basis for product liability reform is that frivolous lawsuits are stifling American competitiveness and innovation; that because product liability is inextricably related to interstate commerce, a uniform, national approach is needed; and that "legislation should address key topics and provide a fair resolution of claims."⁹ But the House bill goes far afield of fair and balanced product liability reform legislation.

PREEMPTION STANDARDS

H.R. 956, as passed by the House, creates numerous, varying standards for preemption of State laws that will create confusion rather than uniformity. Consider the following:

1. Under Title I (product liability actions), State laws are superseded "only to the extent that State law applies to an issue covered by this title."¹⁰ It states that civil actions for "commercial loss" will be governed "only by applicable commercial or contract law,"¹¹ creating one standard for injured individuals and another for corporations that sue each other.¹²

2. Section 201 (punitive damages) applies to "any civil action brought in any Federal or State court on any theory where punitive damages are sought" but it "does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of punitive damages." Section 203 (liability for noneconomic damages) applies to "any product liability or other civil action brought in any Federal or State court on any theory where noneconomic damages are sought" but it "does not preempt or supersede any State or Federal law to the extent that such law would further limit the application of the theory of joint liability to any kind of damages." Sections 201 and 202 apply "[e]xcept as provided in section 401," limiting their application to cases that "affect" interstate commerce.

3. Section 202 (noneconomic damages cap) applies to "any health care liability action brought in any Federal or State court on any theory" but it "does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of noneconomic damages" nor does it preempt "any State law enacted before the date of enactment of this Act that places a cap on the total liability in a health care liability action." It also applies "[e]xcept as provided in section 401."

4. Section 401 of the bill provides that "Titles I, II, and III shall apply only to product liability and other civil actions affecting interstate commerce."¹³

Anyone claiming the bill creates uniformity is sadly mistaken. It makes rules, exceptions to rules, and special rules that, if enacted, would

take years of litigation to sort out. The rules governing product liability actions in Title I are relatively clear, although their relationship to title III needs clarification. Sections 201, 202, and 203 promote restrictions on noneconomic and punitive damage awards rather than consistency in the States. They preempt State laws except where State laws "further limit" the subject of such provisions, creating an elusive measure subject to varying interpretations. For example, do State laws requiring proof beyond a reasonable doubt for punitive damages but that do not cap such damages "further limit the award of punitive damages"? Likewise, the purpose of section 401 is unclear and its application difficult. It purports to prohibit preemption of State laws where "pure" State cases are involved—that is those involving parties and claims that do not "affect" interstate commerce. Is this a bone being thrown to the concept of States' rights or is there some other reason to treat identical cases differently if a court determines one "affects" interstate commerce while the other does not? And the special rule in section 202(b)—prohibiting preemption of a previously enacted State law that caps total liability in health care liability actions—apparently is motivated by the desire to preserve one specific California law.

Amendments that would have improved or affected the bill's preemption provisions were not made in order by the Republicans on the Rules Committee, including: (1) Representative QUILLEN's amendment to limit product liability rules in the bill to cases in Federal court; (2) Representative SCHIFF's amendment to make title II applicable solely to product liability actions; and (3) Representative DEUTSCH's amendment to require uniformity in State laws governing joint liability for economic loss and punitive damage awards. It is clear the Republicans did not wish to even debate the important issues pertaining to the bill's application to State laws and instead chose to concoct a complicated scheme that creates more disorder than consistency.

THE COX AMENDMENTS

The House adopted two amendments offered by Representative COX. The first abolishes joint liability for noneconomic damages and applies to "any product liability or other civil action brought in State or Federal court."¹⁴ I could not support this broad expansion of the bill for the following reasons:

1. It was not considered by either committee nor were any hearings held on the amendment. Under the rule, 40 minutes were allocated to debate fundamental changes the amendment would make to more than 200 years of American jurisprudence.

2. It expands the bill far beyond product liability cases, abolishing joint liability in any State or Federal case affecting interstate commerce. I am particularly concerned that it treats simple negligence in the same manner as intentional and gross misconduct. Is it unfair to hold one of several wrongdoers fully responsible for noneconomic harm if he maliciously caused harm? Should victims of intentional torts such as assault, battery, and intentional infliction of emotional distress bear any costs for harm instead of holding fully responsible any single wrongdoer who proximately caused the harm?

3. Examples cited in support of the amendment included defendants found to be minimally at fault who, under joint liability laws,

Footnotes at end of article.

would be fully liable if other defendants were insolvent or absent. But it abolishes joint liability for even those who are principally at fault. Amendments that would apply several liability only to minimally responsible defendants were not made in order, denying Members any option to consider more moderate provisions.¹⁵

4. Proponents emphasized that it applies only to noneconomic damages and that it would not affect actual damages. The subtext here is that noneconomic damages are not as easy to calculate as economic damages and thus are not as real. The amendment even renames Title II as "Limitations on Speculative and Arbitrary Damage Awards." But it fails to recognize that pain and suffering, total disability, permanent disfigurement, loss of reproductive capacity, and similar noneconomic harms are a very real part of many injuries. For those with low or moderate wages, noneconomic damages may be a greater part of total losses. By limiting recovery for noneconomic damages, the amendment treats injured middle- and low-income workers, homemakers, retirees, children, and disabled persons less favorably than corporate executives and others who have large economic losses.

The amendment also struck a provision in H.R. 956 (section 109) requiring foreign manufacturers to appoint a U.S. agent for service of process in order to claim the benefits of the legislation. Section 109 was truly a commonsense provision designed to level the playing field between foreign corporations and American companies.¹⁶ By striking it, the House also gutted the previously adopted Conyers amendment subjecting foreign companies to discovery in our courts, giving those foreign companies a distinct advantage over American companies, and making it more difficult for persons injured by foreign products to obtain relief. Reflecting a strong bipartisan consensus, 258 Members voted in favor of the Conyers amendment,¹⁷ but this bipartisan effort was nullified by the Cox amendment. Because of the speed of the proceedings and incorrect claims by Mr. COX and others that striking the service of process requirement would have no effect on the Conyers amendment, Members did not have an adequate opportunity to understand the situation. Restoring the service of process provision was one of two items in the motion to recommit, which received 195 votes. Had there been sufficient time to explain the true effect of the amendment, I am confident the motion would have been adopted.

The second Cox amendment limits noneconomic damages in "health care liability actions" to \$250,000.¹⁸ This provision goes well beyond medical malpractice cases, and includes any civil case in State or Federal court against a health care provider, any entity obligated to provide or pay health benefits, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, where a claimant alleges a claim "based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product."¹⁹ No hearings were held on the amendment nor was it considered by either committee. Only 40 minutes of floor time were allowed to debate this fundamental change in our legal system. An alternative amendment encouraging resolution of such cases by mediation and arbitration was not made in order by the Rules Committee.

The amendment arbitrarily caps noneconomic damages at \$250,000, striking hardest at vulnerable individuals whose main dam-

ages are noneconomic. It prevents compensation even in the most extreme cases, such as loss of sight or other senses, loss of reproductive capacity, loss of limbs, and loss of life. The most jaded argument made by its proponents is that the amendment constitutes health care reform. Arguably, the amendment gives license to doctors and other health providers to make mistakes and practice bad medicine. It may provide a financial windfall to physicians, manufacturers and sellers of drugs and devices, and other health care providers who injure persons, not to mention health insurance companies that deny health claims in bad faith. None of the alleged savings from the amendment are redirected in adjustments to Medicare and Medicaid payments or reduced private health insurance premiums. It does nothing to deter litigation and limits the ability of injured persons to receive compensation for harm caused by health care professionals and providers. If this is health care reform, we are all in great peril.

THE FDA DEFENSE

The House passed an amendment immunizing manufacturers and sellers of drugs and medical devices from punitive damages if the drug or device was approved by the Food and Drug Administration [FDA] and the manufacturer or seller has not misrepresented or withheld information required to be submitted to the FDA or has not bribed an FDA official.²⁰ While I previously have supported such a provision, I am compelled to reconsider my position due to the Republican leadership's stated desire to change FDA's approval process radically, to privatize functions of the agency, to reduce its funding, or even to eliminate the agency.

The FDA defense is based on the idea that FDA approval is meaningful and effective. It assumes a strong, vigorous, and adequately funded FDA. It is entirely inconsistent with the vision of a weak agency whose primary focus is to get products on the market as fast as possible based on weakened standards of safety and efficacy. Americans trust that when they take a drug or use a medical device, it will not harm them. This trust is based on a careful, scrupulous process that allows only safe, effective products on the market and removes products from the market when they may pose harm. I am committed to continuing efforts to ensure that FDA is an agency in which we may all place our trust. But I find it difficult to support the FDA defense when the Republican leadership and interest groups are pulling out the long knives to drastically alter the mission and slash the already limited resources of the agency.

OTHER PROVISIONS

Statute of repose.—The 15-year statute of repose in the bill is significantly more restrictive than previous bipartisan bills. It applies to all products, instead of only capital goods, subject to limited exceptions.²¹ H.R. 1075 also limited it to cases where "the court determines that the claimant has received or would be eligible to receive full compensation from any source for medical expense losses."²² This provision was intended to ensure that claimants would not be completely foreclosed from at least recovering medical expenses where an older product causes harm. But an amendment offered by Mr. HYDE and passed by the House struck this commonsense provision from the bill. This mean-spirited amendment is further evidence of the Republicans' extreme

views. It increases public costs and places uninsured workers and others at risk. Nor has any adequate explanation been offered as to why the provision should apply to all products instead of capital goods alone or why an absolute limit of 15 years makes sense in each and every case. An amendment filed by Mr. BRYANT would have created a statute of repose based on a resumption of 15 years. Under the amendment, the presumption could be rebutted if the claimant could prove the defendant concealed or failed to give adequate warning of a defect that he knew about or if the claimant was required to use the product as a condition of employment. This amendment was not made in order. Because the statute's application is so severe, these issues deserve further scrutiny.

Punitive damages cap.—The bill caps punitive damage awards in any civil case for harm in any State or Federal court at the greater of \$250,000 or 3 times economic loss.²³ An amendment to delete the cap was made in order and defeated by the House,²⁴ but other moderate amendments that enjoyed bipartisan support were never considered under the gag rule adopted by the Rules Committee. For example, Chairman OXLEY and Representative GORDON filed an amendment to replace \$250,000 with \$1 million. It is my firm belief that, if made in order, the Oxley/Gordon amendment would have passed. Other amendments put the minimum at \$500,000 or allowed punitive damages based on three times compensatory damages. Given the required quantum of proof (clear and convincing evidence), new procedures that benefit defendants (separate proceeding for punitive damages and standards for determining awards), and the type of conduct involved (conscious flagrant indifference to safety of others or intentional conduct), the cap on punitive damages in the bill may be too severe to adequately address actions by those who engage in gross misconduct.

Biomaterials suppliers.—Title III of the bill limits the liability of biomaterials suppliers in certain circumstances. During committee markup of a similar provision, I questioned the wisdom of insulating suppliers even if they had intentionally and wrongfully withheld material information or if they knew of fraudulent or malicious activities in the use of their supplies. Mr. HASTERT, the author of the amendment, and others indicated their desire to try and address these concerns before floor consideration. I was pleased to see an effort to accommodate these matters in H.R. 1075 (section 302(c)(2)(B) and (C)). While I filed an amendment to make technical and other clarifying changes to Title III, I decided to withdraw it when it became evident that there were many other problems with this title. I support a fair and balanced provision to ensure that biomaterials suppliers are not subjected to needless harassment, but I do not believe it should be converted to a wholesale abolition of all responsibility by such persons, particularly if these suppliers are significantly at fault for a claimant's injuries.

SUMMARY

The issues involved in product liability reform are complex and controversial. While Federal legislation is needed, I firmly believe any such legislation must be fair and balanced. H.R. 956 does not pass this test. Nor can it be considered in a vacuum. H.R. 988,

passed shortly before H.R. 956 was considered, applies to certain Federal civil cases. The bill requires the "loser" to pay the opposing party's attorney fees under certain circumstances, amends rule 11 of the Federal Rules of Procedure to mandate sanctions a Federal judge must impose against lawyers who file frivolous lawsuits or engage in abusive litigation tactics, and limits the admissibility of certain scientific testimony of expert witnesses. These provisions, if enacted, would apply further limits on certain product liability actions, health care liability actions, and other civil actions for harm filed in Federal court governed by H.R. 956. H.R. 988 further tilts the balance in favor of defendants in all such cases.

Cheap sound bites and anecdotal examples of extreme results—while more easily understood than the details of these complex and controversial issues—do not serve the public interest. Both proponents and opponents of legal reform legislation have used such tactics to justify their respective positions. But the Republican majority has a public responsibility to be careful in its drafting and, above all, to do harm. Instead, it artificial and unrealistic timetable for passing legal reforms made speed more of a priority than crafting sensible and defensible legislation.

I plan to work with my colleagues on both sides of the aisle and on both sides of Capitol Hill to enact fair and balanced product liability reform legislation this year. But in doing so, I refuse blindly to support extreme legislation that is contrary to common sense.

FOOTNOTES

1. H. Rpt. 100-748, Part 1.
2. Hearing on H.R. 917, the Common Sense Product Liability Reform Act, including related product liability legislation, Feb. 21, 1995, Subcommittee on Commerce, Trade, and Hazardous Materials.
3. H. Rpt. 104-63, Part 1.
4. H.R. 1910 Republican cosponsors included: Representatives Gingrich, Hyde, Bilely, Moorhead, Oxley, Barton, Hastert, Upton, Stearns, Paxon, Gillmor, Klug, Franks, and Greenwood.
5. H.R. 956 was a bill referred to and reported by the Judiciary Committee, H. Rpt. 104-64, Part 1.
6. Congressional Record, Feb. 28, 1995.

7. An additional amendment, filed by Chairman Solomon after the March 3 deadline, was considered but not made in order by the Rules Committee.

8. H. Res. 109.

9. Testimony of Victor E. Schwartz, Esq., on behalf of the Product Liability Coordinating Committee; hearing before the Subcommittee on Commerce, Trade, and Hazardous Materials Feb. 21, 1995.

10. Section 102(b), H.R. 956 (as passed by the House).

11. Section 102(a) and section 110(2), H.R. 956 (as passed by House).

12. An amendment filed by Representative Markey that would have treated commercial loss cases in the same manner as product liability actions was not made in order by the Rules Committee.

13. Sec. 401 defines "interstate commerce" as "commerce among the several states or with foreign nations, or in any territory of the United States or the District of Columbia, or between any such territory and another, or between any such territory and any State or foreign nation, or between the District of Columbia and any State or territory or foreign nation."

14. Congressional Record, Mar. 9, 1995.

15. For example, Representatives Frank and Bernman filed amendments that would apply several liability to defendants found to be less than 20 percent responsible for the claimant's harm.

16. Section 109 of H.R. 1075 was entitled "Service of Process" and provided: "This title shall not apply to a product liability action unless the manufacturer of the product or component part has appointed an agent in the United States for service of process from anywhere in the United States." This section was deleted from the bill by the Cox amendment.

17. Congressional Record, Mar. 9, 1995.

18. Congressional Record, Mar. 9, 1995.

19. Section 202(b), H.R. 956 (as passed by House).

20. Section 201(f), H.R. 956 (as passed by House).

See, Congressional Record, Mar. 9, 1995.

21. Section 108(b)(2), H.R. 956 (as passed by House).

22. Section 108(a), H.R. 956 (as passed by House).

23. Section 201(b), H.R. 956 (as passed by House).

24. Amendment offered by Representative Furse, Congressional Record, Mar. 9, 1995.

PRIVATE PROPERTY PROTECTION ACT OF 1995

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

Wednesday, March 1, 1995

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 925) to compensate owners of private property for the effect of certain regulatory restrictions:

Mr. WOOLSEY. Mr. Chairman, I rise today in strong opposition to H.R. 925, the Private Property Act. My colleagues in the House of Representatives who support the Contract on America claim that H.R. 925 is to protect small private property owners from the Federal Government. In fact, this takings legislation has little to do with protecting small private property owners. The truth about H.R. 925 is that it provides a new entitlement program for wealthy special interests at a high cost to taxpayers and environmental protection.

The right to own private property is a right that is cherished by the American people. That's why it is protected by the Constitution. Under the fifth amendment, if the Government takes land to build a highway or school, of course it must pay for it. But the fifth amendment's protection isn't enough for the corporate special interests. They want Congress to pass H.R. 925 because it provides that any regulation that limits their right to make as much money as possible from their property is a taking, regardless of the impact this might have on the health and safety of their neighbors, the general public, or the environment. The true agenda of the supporters of H.R. 925 is to increase profits for special interests and weaken valuable laws to protect our health and environment.

Mr. Chairman, H.R. 925 will have a chilling effect on the implementation of environmental regulations. Most likely, Federal agencies will choose not to implement or enforce regulations because they will not be able to afford the high price of compensation required by H.R. 925. The Endangered Species Act and the Clean Water Act are just two of the many important environmental laws that will be jeopardized by this legislation.

Mr. Chairman, I strongly urge my colleagues to oppose this back door attack on environmental protections by voting against H.R. 925.